PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 477 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2007–2008

COMPRISING PERIOD
9 June 2008—20 June 2008

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OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-SEVENTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 477**

ELEVENTH VOLUME OF SESSION 2007-2008

House of Commons

Monday 9 June 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Violent Crime

1. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent steps the Government have taken to reduce levels of violent crime. [208939]

The Secretary of State for the Home Department (Jacqui Smith): The whole House will be saddened to learn of the tragic death today of a police officer during a training exercise with Greater Manchester police. It demonstrates the dangers that police officers face on our behalf, and I am sure that the whole House will join me in expressing our deepest sympathy to the officer's family, friends and colleagues.

According to the British crime survey, violent crime has fallen by 31 per cent. since 1997. We are determined to make more progress, particularly in tackling serious violence. Last September, I set up the tackling gangs action programme, which has brought about a 51 per cent. reduction in gun-related injuries in the target areas. Last Thursday, my right hon. Friend the Prime Minister announced further actions to tackle knife crime, including changing police and prosecutors guidance so that all over-16s can expect to be prosecuted the first time they are caught with a knife. The violent crime action plan sets out a further comprehensive set of actions that we will take in the next three years.

Mr. Cunningham: I thank my right hon. Friend for that answer. Given the Prime Minister's statement, can she say what discussions she has had with chief constables and youth organisations regarding knife crime?

Jacqui Smith: We have had very significant discussions with chief police officers and young people, particularly in developing our campaign to try to remove any glamour from the idea of carrying knives. Of course, we continue to talk to the very important organisations that are working in our communities across the country to help us and the police to tackle serious violence, and knife crime in particular.

Mr. Philip Hollobone (Kettering) (Con): In the year to March, 978 violent offences were recorded in the town of Kettering, which is 18 per cent. of its crime total. I strongly suspect that most of this crime was fuelled by alcohol. What is the Home Secretary doing, along with her colleagues, to try to reduce alcohol's influence on violent offences?

Jacqui Smith: We have of course already taken action, not least through confiscation programmes, to ensure that young people do not have alcohol in public. We have worked hard, alongside trading standards and others, on test purchase campaigns, which are showing some success in reducing the availability of alcohol, particularly to young people. We are also working across government on making clear the dangers of excessive drinking, both to health and in respect of the link to crime. As the Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker), and my right hon. Friends the Secretaries of State for Children, Schools and Families and for Health announced last week, we are bringing forward a series of further actions, on young people and alcohol in particular.

Keith Vaz (Leicester, East) (Lab): The Government need to do more in this regard, because 46 per cent. of crime is alcohol-related. On the Asda website this morning, one could purchase a litre of water for 93p, whereas a litre of Smartprice beer costs only 52p. What further steps do the Government propose to take to ensure that the alcohol industry and the supermarkets are aware of their responsibility to stop loss leaders being sold in supermarkets and to save the taxpayer the £7.2 billion that we spend on alcohol-related crime?

Jacqui Smith: The alcohol industry already has a set of social responsibility standards. However, I have instigated a review of those standards, with a view to making them mandatory. We are also concerned about price promotions, as my right hon. Friend outlines, which is why the Department of Health is leading an independent review of the evidence on the relationship between alcohol price, promotion and harm. It is due to report this summer, when we will be able to take further action.

Mr. Charles Walker (Broxbourne) (Con): What strategy does the Secretary of State have for dealing with street gangs and, as importantly, for diverting young people from gang membership?

Jacqui Smith: We have developed that strategy through the tackling gangs action programme, which I mentioned in my first answer; through tough enforcement; through using surveillance to identify those who are engaged in gangs, and working with them to encourage them out of that lifestyle; through working alongside community organisations to prevent people from getting into gangs in the first place; and through taking action both at local level and internationally, particularly to prevent the supply of guns in those areas. In addition to some of the very good work happening in those areas, we have, as I said in my original answer, already made progress in reducing the number of gun-related injuries. Because of that success, I have allocated a further £1 million to continue our work, particularly in the areas where gang-related violence is most serious.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): There is no more serious crime the length and breadth of the UK than gun crime. Given that there are, as yet, no borders between the four countries that make up the UK, will my right hon. Friend resist any populist calls to devolve legislation from this House to the Scottish Parliament? Such a move would be seen as simply a populist measure, and we must ensure that legislation on gun crime continues to be dealt with in this place.

Jacqui Smith: My hon. Friend makes an important point. We are determined to implement the legislation—for example, the Violent Crime Reduction Act 2006, on which we consulted widely with the Scottish Executive—to ensure that any further action that we take, for example, that on tightening the controls on deactivated firearms, also spreads throughout the United Kingdom. In fact, we go further, because we recognise that unless we have an impact across Europe, where gun control laws are considerably less strong than ours, we will not be successful. That is why I am pleased that Arlene McCarthy, MEP for the North-West region, has led the way in Europe on strengthening the weapons directive, helping to protect everyone across Europe and those in this country in particular.

James Brokenshire (Hornchurch) (Con): I join the Home Secretary in passing on our condolences to the family of the police officer from Greater Manchester police who has so sadly lost his life.

The Government claim that they want to obtain better data and information to help to combat violent knife crime, but there is no monitoring of the use of search powers, knife arches or the number of weapons recovered in schools. Why not?

Jacqui Smith: A change that my predecessor made will enable us to be much clearer about levels of knife crime from last April. Where monitoring will help us to make a difference, we will monitor. What the hon. Gentleman actually did was list a range of actions that we have taken—more knife arches and wands, a greater ability to search people in schools for knives, and more ability to use stop-and-search powers. At least two of those changes were opposed by the Opposition on at least some occasions.

Mr. Speaker: Order. We will not go there.

Criminal Records Bureau

2. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent representations she has received on the reuse of Criminal Records Bureau disclosures. [208940]

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): During 2008, Home Office Ministers have received 16 representations on the reuse of CRB disclosures.

David Taylor: Numerous constituents working in the voluntary or public sectors have raised concerns with me about the non-reusability of existing CRB checks as the cost and delay of obtaining new CRB disclosures, sometimes monthly, can be prohibitive, especially for agency nurses and supply teachers. Will my hon. Friend undertake to discuss urgently with the CRB how it can improve the existing portability framework document, because employers and employment agencies tend seriously to exaggerate the risk of reusing CRB checks?

Meg Hillier: The decision whether to accept a previous CRB check needs to be made by the employer. Currently the CRB is not involved if a previous disclosure is accepted. However, the advent of the independent safeguarding authority will allow continuous monitoring, especially for the teachers whom my hon. Friend mentioned and anybody working with children or vulnerable adults. That body will be able to update the employer at any point if the employee's status changes.

Mr. Mark Harper (Forest of Dean) (Con): I listened to that answer with care. The Minister mentioned people working with vulnerable adults. I know that the Home Secretary has been made aware by the Association of Chief Police Officers of one problem in our care home sector, in which many of the workers are overseas nationals, and the difficulty of getting good criminal records checks for them because of the problem of

getting data from overseas. I have written to the Minister for Borders and Immigration on that point. Can the Minister update the House on what steps the Government are taking to ensure that our most vulnerable citizens are properly protected?

Meg Hillier: This is an area that I am discussing a great deal with colleagues in Europe. I remind the hon. Gentleman that our introduction of identity cards for foreign nationals, which will start in November, will significantly help us to determine the identity of, and thereby perform greater checks on, individuals working in Britain and their legality. We are also discussing with several countries how better to exchange criminal data about people, but the onus has to be on the employer to decide whether they have the relevant information from people. There are complications in that some acts that would be considered crimes in this country are not criminal offences in the country of origin.

Drugs Testing

3. **Mr. Graham Brady** (Altrincham and Sale, West) (Con): If she will review the list of offences which trigger tests for cocaine and opiates for those in police custody. [208941]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): Offences that lead to a drug test of offenders in police custody are those which have been shown to have the clearest link with class A drug misuse. These are kept under regular review. In 2007-08, under the drug interventions programme, there were some 224,000 tests for specified class A drugs, heroin and cocaine, and 38 per cent. were positive—indicating that the right people are being targeted by the programme. Since the start of the DIP, acquisitive crime has fallen by 22 per cent.

Mr. Brady: As a Greater Manchester MP, may I also express my deep condolences to the family and colleagues of the officer who died this morning?

The Minister said that 38 per cent. of those who are tested for class A drugs when in custody prove positive. Do not the huge increase in the numbers of those found to be taking those drugs and the high percentage of people who are tested show that it is time to look again at the trigger offences? We have already heard about the number of alcohol-influenced offences on our streets; does not this show that an alarming number of cases are affected by drugs, too? Surely we need to know more about how many people, and which people, are committing such crimes.

Mr. Coaker: The hon. Gentleman knows about these things, and he knows that the trigger offences have been designated according to the likelihood that they are linked to drugs misuse. He will also know that although we have a list of trigger offences that automatically mean that offenders are tested for drug misuse when arrested, it is up to an inspector—or anyone above that rank in the police force—to test those people if they believe that the offence has been contributed to by drug misuse. The offences mentioned by the hon. Gentleman, such as alcohol-related offences—or, indeed, public order and violence offences—are not trigger offences, but an inspector in the custody suite can choose to test for drugs if he thinks it appropriate.

Mr. Denis MacShane (Rotherham) (Lab): Could we have a little cross-party support on this issue? The hon. Member for Altrincham and Sale, West (Mr. Brady) is right. Would my hon. Friend the Minister support the views of the Metropolitan Police Commissioner, Sir Ian Blair, on celebrity cocaine users and deplore the rather odd jobsworth response of the Director of Public Prosecutions, who said that it is very difficult to deal with those celebrities? The plain fact is that our young people should see celebrity drug users—the Kate Mosses, Amy Winehouses and Notting Hill millionaires at their dinner parties—as an example not to be followed. Internationally, if we want to reduce supply we have to reduce demand. The Metropolitan Police Commissioner is right and the DPP is wrong.

Mr. Coaker: Of course, people who act as role models for young people and others have to accept the responsibility that they have. One would hope that that applied to the people to whom the Metropolitan Police Commissioner referred. On cocaine in general, class A drug use has remained stable overall. The problem that we have had is the use not of crack cocaine but of powder cocaine, which is the drug that the commissioner was referring to.

One way we are trying to tackle the problem is a campaign that I recently launched with the Colombian President, which I know that my right hon. Friend knows about. It is a shared responsibility campaign so that those who take powder cocaine, believing that their doing so has no effect on anybody else, can reflect on the effect that it has not only on crime in their areas but on Colombia. It wrecks that country and prevents it from moving forward in the way the Government would wish. Perhaps those who take cocaine should reflect on the impact on Colombia as well as on their communities.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Equally worrying is the presence of drugs in prison. Will the Minister work with the Justice Secretary to see what steps can be taken to prevent the entry of drugs into prisons? I did a murder case some four years ago and the defendant was high on heroin throughout the proceedings, which was an extraordinary state of affairs since he was in custody.

Mr. Coaker: Of course it is important that the Home Office works with the Secretary of State for Justice to deal with the issues caused by drugs in prison. The right hon. and learned Gentleman makes an important point. There have been a number of policy developments, the amount of money has increased, and so on. The right hon. and learned Gentleman will agree that one aspect of dealing with the matter is that we should ensure not only that we deal with the needs of people with a substance misuse problem while they are in prison, but that they have a proper care plan in place when they are released.

Identity Fraud

4. **Martin Linton** (Battersea) (Lab): What estimate she has made of the likely effect of the introduction of identity cards on levels of identity fraud. [208942]

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): We estimate that ID cards will prevent at least £310 million of ID fraud as they are implemented. Clearly, the benefits of the ID card scheme will increase as take-up increases after the 2011 roll-out to the general population.

Martin Linton: Two of the worst 10 postcodes for ID fraud in the country are in my constituency, so I welcome the Minister's estimate that the minimum savings will be £310 million, and I would value her confirmation that the maximum savings would be £575 million. In view of that, will she urge Opposition members of the all-party group on identity fraud to stop opposing ID cards, since they would make the biggest single contribution to reducing ID fraud?

Mr. Speaker: Order. It is not a responsibility of the Minister to do that.

Mr. Andrew Mackay (Bracknell) (Con): Does the Minister believe that ID cards should be made compulsory?

Meg Hillier: The Government's position on compulsion is absolutely clear and has been from the moment the ID card scheme was first mooted. We believe that once ID cards have been rolled out to the general population, and then only if there is wide acceptance of the scheme, the Government of the day could make a proposal to Parliament to vote on whether ID cards should be compulsory, but there are no plans for compulsion at the point of introduction in 2011. *[Interruption.]* I am being interrupted by sedentary comments, so it is worth adding that 80 per cent. of British citizens currently have passports, and we envisage that, about 10 years after the roll-out in 2011, we will see a similar take-up of either passports or ID cards for the population, which is a pretty good coverage.

Damian Green (Ashford) (Con): The Minister seems slightly confused about compulsion, but can she clear up another area of confusion? Can she explain why, at the Crewe and Nantwich by-election, the Government literature complained that the then Conservative candidate—now, I am happy to say, my hon. Friend the Member for Crewe and Nantwich (Mr. Timpson)—

Mr. Speaker: Order. It would not have been Government literature; it would have been party literature. Perhaps the hon. Gentleman could rephrase his question by saying something like, "An organisation that supported the Government". How is that?

Damian Green: I always seek to be accurate at the Dispatch Box, and saying that the whole Labour party supports the Government would not meet that criterion. Nevertheless, Ministers have said that it would not be compulsory to carry ID cards. At Crewe and Nantwich, they said that it would be compulsory to carry ID cards. Will the Minister say whether it is now the new Labour vision of Britain that if people nip out to the corner shop to buy a pint of milk, they must carry their papers to show to the authorities, and is she proud of that vision?

Meg Hillier: I am really rather sad that Her Majesty's Opposition have sunk to such pathetic depths to scaremonger in that way. Let me make it really clear, if it was not clear already: the legislation that has passed through the House makes it absolutely clear that there is no compulsion to carry an ID card. Furthermore, section 13 of the Identity Cards Act 2006 prohibits the presentation of the card specially to access a public service. There is a difference, however, for foreign national identity cards, and I challenge the hon. Gentleman and his party to tell us where they stand on whether foreign nationals should be compulsorily required to have an identity card, as part of their immigration status in this country.

Police (North Yorkshire)

5. **Hugh Bayley** (City of York) (Lab): How many police officers there were in North Yorkshire in (a) December 1979, (b) December 1997 and (c) December 2007. [208944]

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): The published figures show that North Yorkshire had 1,342 police officers in March 1979, 1,337 in March 1997, and 1,606 in September 2007. Police officer numbers have increased by some 20 per cent. in the force since 1997—well above the 11 per cent. increase for England and Wales. In addition, there are some 188 police community support officers, and with 1,100 or so police staff there has been almost a doubling of police staff since 1997.

Hugh Bayley: There you have it, Mr. Speaker. Under the Conservatives, the number of police officers in North Yorkshire fell and crime rose. Under Labour, the number of police officers has risen substantially and crime has fallen. Can my right hon. Friend reassure me that the policing and crime reduction Bill, which the Government propose to introduce next year, will lock in those gains and ensure further reductions in crime in North Yorkshire?

Mr. McNulty: I can assure my hon. Friend that that will certainly be at the centre of the policing Green Paper. I can also assure him that the balance between urban and rural policing efforts will be equally to the fore in that Green Paper and in future policing in North Yorkshire.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): How many of those additional police officers are stuck back in the police stations, filling in the forms that the Government have insisted they spend all their time doing?

Mr. McNulty: In answer directly to the hon. Gentleman's cliché-ridden question, let me say that the answer is fewer and fewer. I can assure him that, when we get the full results of the pilot being carried out in the Staffordshire, West Midlands, Leicestershire and Surrey forces and implement that throughout the country, there will be substantially more police officers out on the streets, rather than filling out paperwork in the station.

Miss Anne McIntosh (Vale of York) (Con): The Minister referred to PCSOs, and I understand that the budget is ring-fenced only for a limited period. How does he propose that North Yorkshire police find the additional funds to pay for PCSOs in future?

Mr. McNulty: The hon. Lady will have noticed that, uniquely, in the past couple of years the Government have implemented their spending plans in three-year

chunks; it is called the comprehensive spending review. This is the first year of a three-year chunk, and we are absolutely committed to that ring-fencing continuing for those three years. I am sure that if my right hon. Friend the Home Secretary and I have anything to do with it, the funding will continue thereafter. North Yorkshire can certainly be guaranteed that that ring-fencing will continue, not least because of the huge success of police community support officers across the country in supporting and complementing the role of police officers.

Mr. David Ruffley (Bury St. Edmunds) (Con): I send my condolences to the family, friends and colleagues of the officer who died while training.

The Flanagan report, which Ministers backed in February, stated that

"maintaining police numbers at their current level is not sustainable over the course of the next three years."

Will the Minister listen to the police service, change his mind and pledge to maintain both the number of police in North Yorkshire, and the current national figure of 141,284?

Mr. McNulty: I made it very clear during either the constables' or the sergeants' conference at the Police Federation conference—they were both such huge fun that I cannot remember which it was—that we thought that 140,000 or thereabouts was the appropriate national complement. It is unusual for the hon. Gentleman to be so centrist in his deliberations. I will not dictate to each and every chief constable across the country and tell them how many police officers they should have. That is a matter principally for them. *[Interruption.]* Centralist rather than centrist. Centralising, probably; okay. The autonomy of each and every force is very important. It is for local communities, served by their local constabulary, to determine what the mix should be of police staff, PCSOs and police officers. If we are really to achieve, on a cross-party basis, what the hon. Member for Scarborough and Whitby (Mr. Goodwill) suggests—that is, if we are to get more and more of our police officers out on the streets, rather than having them waylaid by bureaucracy—through measures such as the use of hand-held devices and the pilots currently being carried out, a fixation on numbers is not sufficient; it is a rather sub-intellectual attitude towards policing for the future.

Drugs Act

6. **Paul Flynn** (Newport, West) (Lab): What assessment she has made of the effects of the Drugs Act 2005. [208946]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): The Drugs Act 2005 introduced a series of provisions. The Home Office published research in 2007 that identified the positive effect of the Act in improving the grip that the Government exert on drug-using offenders, through the drug interventions programme, by getting larger numbers of drug users to enter drug treatment. Following our clarification in the Act of the law on magic mushrooms, the British crime survey 2006-07 showed a decrease in use in the past year across all age ranges, with a significant decrease among 16 to 24-year-olds, from 3 to 1.8 per cent.

Paul Flynn: That Act was passed with all-party approval—always a worrying sign—shortly before the last general election, when all parties wanted to appear tough on drugs. One of its provisions put magic mushrooms in exactly the same category as heroin—a tough decision, but a very stupid one. How many young people have been criminalised and imprisoned under that new provision?

Mr. Coaker: As I have just said, since the passage of the Act the percentage of young people using magic mushrooms has fallen from 3 to 1.8 per cent. Significant increases in the import of fresh magic mushrooms to this country led the Government to take the action that they did. I know that my hon. Friend believes we should be doing other things, as well as taking action through legislation. He will have seen that the latest drugs strategy deals with many of the things for which he has long been calling—improved treatment, access to support for families, and many other measures that I know he believes also make a difference.

Sir Nicholas Winterton (Macclesfield) (Con): In a house in the centre of Macclesfield, in Bridge street, 17,000 cannabis plants were found. They were found only because the electricity system that was helping the plants to grow could not cope with the demand, a fire occurred and the fire service went in. Does the Minister accept that if more police were on the beat—on the street—going past such properties, that sort of thing would not occur, and that the police have a role in trying to ensure that drugs which are killers are not grown in the middle of a town such as Macclesfield?

Mr. Coaker: The hon. Gentleman makes an important point, and of course police on the street make a real difference. I shall be meeting the Association of Chief Police Officers to discuss cannabis farms and factories, which are a major worry for us all. The hon. Gentleman will have heard my right hon. Friend the Home Secretary, in her announcement that the Government would reclassify cannabis from class C to class B, which will also help with police priorities, say that she would organise a meeting with the electricity companies and others to consider whether there is any way we can identify domestic properties that do not have a normal domestic bill, for obvious reasons, and take appropriate action. I hope that that reassures the hon. Gentleman.

Mary Creagh (Wakefield) (Lab): Will my hon. Friend join me in congratulating Wakefield's police, who this year alone have shut down not one but eight cannabis factories in residential properties in Pinderfields road, Wesley street and on Bradford road, just a few doors down from where I live? Does he agree that we need to do more to shut down hydroponics shops that have sprung up in all sorts of places and which provide the seeds and the hardware kit that allow organised gangs of criminals to come in, use people who have been trafficked, and put the plague of cannabis on to our streets?

Mr. Coaker: First, it would be remiss of me not to welcome my hon. Friend back to the House from her leave. We all welcome her back.

In similar vein to the answer that I gave to the hon. Member for Macclesfield (Sir Nicholas Winterton), my hon. Friend is right to point out the importance of

taking action against cannabis factories and cannabis farms. As I said, the reclassification of cannabis will make a huge difference. In the same announcement in which my right hon. Friend the Home Secretary announced reclassification, she also announced that the Government would look into the issue of hydroponics, cannabis seeds and the impunity with which some shops sell paraphernalia which is often not for any other purpose. I hope that that review will start to answer some of the questions that my hon. Friend raised.

Antisocial Behaviour

7. **Annette Brooke** (Mid-Dorset and North Poole) (LD): What recent assessment she has made of the effectiveness of antisocial behaviour orders. [208948]

8. **Mr. Rob Wilson** (Reading, East) (Con): What recent assessment she has made of the effectiveness of measures to combat antisocial behaviour. [208949]

The Secretary of State for the Home Department (Jacqui Smith): Nobody should have to suffer antisocial behaviour. On 8 May I announced new measures to bear down on the most persistent offenders, tackle antisocial behaviour on public transport and make sure that the many tools and powers that we have created for the agencies over the past 10 years are being used appropriately and effectively.

Annette Brooke: With 60 per cent. of ASBOs being breached among juveniles and less than 20 per cent. being accompanied by individual support orders, and the Children's Commissioner's report this morning, which criticises the effectiveness of ASBOs and points out that they are drawing more and more children into the criminal justice system, is the Home Secretary convinced that we have the right balance of measures in the toolkit to tackle antisocial behaviour? I accept that ASBOs should be there.

Jacqui Smith: Oh good; I welcome the Liberal Democrat U-turn in accepting that ASBOs should be there. A breach of an antisocial behaviour order means that people know who has one, they are reporting when the perpetrator is not fulfilling the conditions imposed on them, and that person is being hauled back to court and often facing custody. That is the system working—a system that did not exist at all and would not exist if the Liberal Democrats had their way, and which is extremely popular with local communities fighting antisocial behaviour across the country.

Mr. Wilson: Further to the question from the hon. Member for Mid-Dorset and North Poole (Annette Brooke), the Secretary of State will be aware that the number of ASBOs breached by offenders is now at more than 60 per cent. The new guidelines from the Sentencing Guidelines Council effectively ignore the sentencing terms set by this House and by Parliament. Does the Secretary of State agree that the Government's flagship ASBO policy is in disarray and, in respect of that number, in complete collapse?

Jacqui Smith: No, I do not, and nor do the independent National Audit Office, the Audit Commission and others who have looked in detail at the Government's antisocial behaviour policy. Incidentally, they have found, I think, that two thirds of people perpetrating antisocial behaviour stopped it after the first intervention, which could be a warning letter or an acceptable behaviour contract. Almost another third did so after the second intervention, leaving 7 per cent. of persistent offenders, who I believe are a significant problem. That is why I announced further action against them at the beginning of May.

Ms Sally Keeble (Northampton, North) (Lab): Is my right hon. Friend aware that a police officer in my constituency was assaulted and injured when he was policing some antisocial behaviour caused by drinking in the streets? Will she send sympathies to the police officer, who I think is still in hospital, and say what more will be done to deal with alcohol-fuelled antisocial behaviour on our streets?

Jacqui Smith: Yes, I shall of course send sympathies to the police officer in my hon. Friend's constituency. I do believe that we need to do more, particularly with respect to the persistent possession of alcohol by young people. That is why the issue was a priority in the youth alcohol action plan, which was published just last week by myself and right hon. Friends. We were very clear in that document that there needs to be an escalation, particularly for young people caught in possession of alcohol. The first time, it is clear that parents should be informed. If it happens again, it is clear that people should receive an antisocial behaviour order. Incidentally, a parenting order may need to be put alongside that, because it is important that parents take responsibility for where their children are and what they are doing. If young people are persistently caught in public places with alcohol, it is right that we introduce a new offence of persistently possessing alcohol in a public place to send out a strong message that alcohol puts young people in danger, and that it puts them in danger of committing antisocial behaviour. None of us should have to put up with that.

Ann Coffey (Stockport) (Lab): I am pleased that recent figures show that the number of individual support orders has more than doubled. Those orders, which are granted alongside antisocial behaviour orders, require young people aged between 10 and 17 to attend treatment for underlying problems, such as drug and alcohol abuse, which cause their antisocial behaviour. Does my right hon. Friend agree that it is important that applications for those orders are increased? What more can she do to increase them?

Jacqui Smith: My hon. Friend has worked long and hard to make sure that in tackling antisocial behaviour, we nip in the bud the behaviour that causes it and provide the support that is necessary to prevent it from happening. She is right to say that although the number of individual support orders placed alongside antisocial behaviour orders has increased, certainly with respect to young people, that ought to be the case in every consideration of an antisocial behaviour order, so that we can stop the damage to communities and help to prevent young people in particular from continuing such behaviour, which is bad for them and the places where they live.

Mr. Graham Stuart (Beverley and Holderness) (Con): Residents in Beverley are extremely concerned about antisocial behaviour, as they are in so many parts of the country. Local police have told me that they are frustrated by the small number of individuals who have an ASBO, breach it, turn up in court and are told that if they breach it again there will be serious repercussions, but for whom after they do breach the ASBO again and turn up in court, the repercussions do not seem to occur. Will the Home Secretary reassure the people of Beverley that we will have a joined-up system, meaning that people who breach ASBOs will stop causing so much difficulty on our streets?

Jacqui Smith: Forty per cent. of people who breach ASBOs face custody for doing so. I think that that is right. I announced on 8 May that we needed to do more to join up the range of agencies that deal with persistent offenders. If someone is a persistent perpetrator of antisocial behaviour, people should look at whether their car licence is up to date, whether they have a TV licence and whether they are fraudulently claiming benefits, as has happened, for example, in a pilot in Manchester. All the agencies in an area and all in its community need to focus attention on persistent offenders to stop them making the lives of the people who live around them a misery.

Andrew Mackinlay (Thurrock) (Lab): In her reply to the hon. Member for Mid-Dorset and North Poole (Annette Brooke), the Secretary of State rightly referred to the fact that an awful lot of antisocial behaviour occurs on transport, particularly trains. Will she discuss with British Transport police how people using trains can contact them much more urgently than at the present time? It is particularly frustrating if someone dials 999 and is told by Essex police in Chelmsford, "Contact BTP." That is the problem. An awful lot of sexual and racial harassment and other nuisances are taking place on our trains, and people do not know how to contact the police and cannot get a response in adequate time.

Jacqui Smith: My hon. Friend makes an important point. That is perhaps one of the issues that we need to examine in the work that I am carrying out with my right hon. Friend the Secretary of State for Transport as we consider what more we need to do to counter antisocial behaviour on our public transport and ensure that people get the response that they need in order to counter it.

Local Policing

9. **Barbara Keeley** (Worsley) (Lab): What proposals she has to give local communities more information on local policing resources and performance. [208950]

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): We made an explicit commitment in the recently published crime strategy to make crime data available on a monthly and consistent basis to the public at a level and in a context that makes sense to them locally. We think that keeping people informed of what is being done to deal with crime in their area and telling them about progress plays a very important role in making them feel safer. That is why we hope that from July this year monthly crime information will be made available to everyone.

Barbara Keeley: I thank the Minister for that answer. In Salford, levels of concern about antisocial behaviour have fallen from 48 per cent. three years ago to 30 per cent. That is really good progress, but it means that a lot of people are still concerned about antisocial behaviour. Does he agree that we should let communities influence the priorities of their neighbourhood policing teams so that they know that those teams are working on their key areas of concern?

Mr. McNulty: I most certainly do. The provision of local crime information, plus the implementation of neighbourhood policing, plus neighbourhood police teams interfacing directly with their public to establish those priorities, plus, eventually, local councils also having a role in the form of neighbourhood management working alongside neighbourhood policing, has proved a very effective and powerful resolution to many of the concerns that local communities have. We have seen throughout the country how communities have in effect won back their streets and public spaces from those who would do nothing but harm in those areas.

Mr. Paul Burstow (Sutton and Cheam) (LD): The Minister talks about keeping people informed. Does he therefore share my concern that the Metropolitan police are drawing up proposals to reduce the number of police officers by as many as 2,000 over the next few years in response to budgetary pressures? Surely that information on future police numbers is the sort of information that my constituents and many others in London need to know.

Mr. McNulty: Tempted as I am to traduce the record of the ex-hon. Member for Henley when he has barely got his feet under the table, I know of no such plans by the Metropolitan police. Indeed, the last plans and budgets that I saw were intended to do quite the opposite, particularly at the interface between counter-terrorism and policing, in increasing and improving police numbers. As far as I am aware, there are no plans to row back from the implementation, on a ward-by-ward basis, of safer neighbourhood teams. I think that to his rather pleasant surprise, the Mayor of London—I hope that this is not insulting him either—has found that there is an enormous amount of common ground between what this Government are seeking to do in London in working with the Metropolitan police and his own agenda for London. Where that common ground is in the interests of London, we will not be found wanting in working with the new Mayor.

Drug-related Reoffending

10. **Laura Moffatt** (Crawley) (Lab): What discussions she has had with the Secretary of State for Justice on measures to reduce drug-related reoffending among women who have previously served a custodial sentence. [208952]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): The Home Secretary has engaged with senior Ministers, including

the Secretary of State for Justice, in the development of the shared public service agreement indicator to reduce drug-related offending and of the 2008 drug strategy. The strategy includes measures to reduce drug-related crime and offending through proactively targeting and managing drug-misusing offenders, including women.

Laura Moffatt: On a visit to HM Prison Send to see the women there in the RAPT—Rehabilitation for Addicted Prisoners Trust—programme, I saw the excellent work going on there. Those women's greatest fear was of being released and slipping back into a life of drug-taking and then reoffending. What extra help can be offered by the two Departments, working together, to ensure that those women get the care that they need following their release?

Mr. Coaker: My hon. Friend raises an extremely important point, and through the drug strategy that has just been published we are trying to recognise that if we are to treat substance misuse successfully we need not only to treat the addiction but to recognise the chaotic lifestyles that people often had prior to being imprisoned and to which they will go back when they leave. We need to tackle that problem, which means closer co-operation between the Ministry of Justice and the Home Office, and between all the other Departments that deal with benefits, housing, employment, the family and other family-related and social issues. We are working together as a Government to ensure that the offender manager for the women in question takes into account all those factors and that there is much closer co-operation between all involved to ensure that all the needs of offenders are met when they leave prison.

Topical Questions

T1. [208929] **Miss Anne McIntosh** (Vale of York) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for the Home Department (Jacqui Smith): We face a serious and sustained threat from terrorism in the UK, and in the long term it is clear that this threat is countered by challenging the ideology that supports terrorism and by preventing people from turning to violent extremism in the first place. That is why last week, together with my right hon. Friends the Secretaries of State for Communities and Local Government and for Children, Schools and Families, I published new proposals to support mainstream Muslim voices, to strengthen communities and to fund work in schools, colleges and prisons, and with young offenders. I am grateful to community leaders, the police, local authorities and others for all that they do to prevent the spread of violent extremism, and we have announced an additional £12.5 million of funding to assist them in that important work.

Miss McIntosh: The threat to safety and the quality of life in rural areas of north Yorkshire exists in large measure because of the failure of this Government's antisocial behaviour programme. Will the Home Secretary admit that failure, and do more to stop under-age drinking, which is on the increase? Will she also congratulate North Yorkshire police on their recent drugs bust in Thirsk? What chances are there of taking those who are peddling drugs on the streets in Thirsk off our streets for the foreseeable future?

Jacqui Smith: We have invested in more police officers, as we heard earlier. We need to make sure that we have in place the tough measures to deal with alcohol use that I have already outlined. We need to support our police to work in neighbourhood teams and we must invest, as we have done, in helping every neighbourhood to use the tools that we have put in place for tackling antisocial behaviour. Those are all important. I see that the hon. Lady shakes her head; it is a shame that she was not willing to support the investment in all those measures.

T4. [208933] **Phil Wilson** (Sedgefield) (Lab): During the oral evidence sessions of the Committee considering the Counter-Terrorism Bill, I asked Sir Ian Blair what the consequences would be of not introducing the 42-day pre-charge detention period. He replied that

"we would be returning to the House in an emergency."

He continued:

"I am convinced that that is not the position to be in."—*[Official Report, Counter-Terrorism Public Bill Committee,* 22 April 2008; c. 20, Q22.]

Would my right hon. Friend agree with that, and will she make a statement on the new powers?

Jacqui Smith: I agree with the Metropolitan Police Commissioner, and with the most senior counter-terror police officers in this country when they say to me that it is better for us to consider now, in the calm of the current time, the potential need to give our investigators the time that they need to do the job that we ask them to do. That is why we are bringing forward our proposals to extend the period of pre-charge detention. They are exceptional powers to be used only when the need arises, but it is extremely important to have them in place now so, as the commissioner makes clear, we are not faced with a situation either in which the House has to respond in an emergency and is unable to give the matter as much consideration as it can now, or even worse, in which we let a suspected terrorist go free because we have not given investigators the tools to do the job.

Dr. Julian Lewis (New Forest, East) (Con): Has the Home Secretary any idea why the Security Service—MI5—is so unenthusiastic about the Government's proposal to extend detention without charge to 42 days?

Jacqui Smith: I believe that, when one has a Security Service, it is important that it is politically neutral. The Security Service has rightly taken that position.

T5. [208934] **Martin Linton** (Battersea) (Lab): Does my right hon. Friend agree with the independent reviewer of terrorism legislation that the figures that Liberty put out on detention periods in different countries are grossly misleading? Will she provide our colleagues with a fairer comparison of the effective detention periods in different countries?

Jacqui Smith: Not only I, but many of those who gave evidence to the Public Bill Committee on the Counter-Terrorism Bill, including the Director of Public Prosecutions, also believed that the figures were misleading. First, our system was compared with some systems in

Europe, such as in France, where holding people under the supervision of an investigating judge enables them to be held for up to four years before reaching an equivalent position to charging in this country. Even in common law countries such as the United States, there are clearly different circumstances—a much lower threshold for charging in the first place and much greater use of holding charges with the ability to continue to investigate. I am disappointed that, in presenting their arguments, people have made many false comparisons. In some cases, they have used examples of countries in which, compared with this country, people would certainly not want to be terrorist suspects. I will take up my hon. Friend's suggestion of providing further information about how the rights of defendants in terrorist cases in this country compare at least equally if not favourably with those in the vast majority of other countries.

David Davis (Haltemprice and Howden) (Con): May I start by joining the Home Secretary in expressing condolences and sympathy to the family and friends of the police officer who tragically died in training? It is a salutary reminder of the risks that our police officers face every day in defence of public safety. I am sure that the House would like to express its gratitude for their courage and conviction in the face of those risks.

The Prime Minister wrote in *The Times* last week that a key reason for the police needing longer than 28 days' detention is "layers of computer encryptions" that need to be "deciphered". Why has nobody in the past seven years been convicted of the offence of withholding computer passwords or encryption keys?

Jacqui Smith: The offence of withholding encryption keys has been in place for a maximum of two years. During that time, I think that eight people have been charged with providing encryption keys. In some cases, that was successful, but in others—for example, because people did not have access to the encryption keys—it was not. However, the suggestion, which the right hon. Gentleman made previously, that that is the whole solution to the complexity of technology that we now face is wrong. It is at least possible, if not probable, that those people held in custody, in circumstances in which a large amount of encrypted material had to be trawled through, would not even be in possession of the encryption keys. Although the creation in the Regulation of Investigatory Powers Act 2000 of an offence of not giving up an encryption key is important, it is not sufficient to cover the risk of the work that police officers do in trawling through the information.

David Davis: Nobody has said that the offence is the be-all and end-all, but it is an important weapon in dealing with encrypted technology. As the Home Secretary said, the offence was created in the Regulation of Investigatory Powers Act 2000, but it entered into law only in 2007. Why the delay? Why wait six years after 9/11 and two years after 7/7 to bring into force that vital measure?

Jacqui Smith: It was important to ensure that the offence was right, as I have said. Since it was introduced, it has been used where appropriate, and it clearly remains to be used in the future. But the question that the right hon. Gentleman does have to answer—

David Davis: You have to answer.

Jacqui Smith: All of us, I am afraid, will have to take an important decision on Wednesday about this country's security and whether we want to give our investigators the tools that they need. Is the right hon. Gentleman completely confident, notwithstanding the new tools that we have put in place for investigators, that no police investigation in serious terrorist circumstances would ever need to hold somebody for longer than 28 days? If he is completely confident, I think that he is misleading himself. If he is not, he is misleading his party in opposing our proposals on Wednesday.

T3. [208932] **Mr. Mark Harper** (Forest of Dean) (Con): Given that the Home Secretary admitted on Andrew Marr's programme yesterday that MI5 has not requested the 42-day detention period, which is significant, given that it is only too aware of the threats facing our country, can she tell the House whether the security services have made any assessment of the effect of increasing the pre-charge detention period on their ability to use intelligence-gathering techniques to penetrate those communities where those terrorists may be hiding out?

Jacqui Smith: First, the hon. Gentleman is plain wrong about what I said yesterday on Marr. My position is as I made clear to the hon. Member for New Forest, East (Dr. Lewis), so I am sure that the hon. Gentleman will not repeat that suggestion. The security services will of course support us in gathering intelligence on, as he put it, the nature of the terrorist risk within communities. That is, after all, the security services' job, and that is what they are getting on with doing.

David Taylor (North-West Leicestershire) (Lab/Co-op): Dubious as I am about the proposed 42-day detention limit for terror suspects, I find risible the assessment of the previous Conservative Prime Minister that the proposals go far beyond what the then Government contemplated in the early 1970s in the fight against the IRA. Is it not the case that many on the Opposition Benches privately back the Home Secretary's proposals and that for them to oppose what they are itching to introduce, if and when they return to power in 2015 or beyond, would be nauseating and opportunistic hypocrisy?

Mr. Speaker: Order. It is not for the Secretary of State to answer these matters. I call Chris Huhne.

Chris Huhne (Eastleigh) (LD): May I add, on behalf of those on the Liberal Democrat Benches, our condolences to the family and friends of the police officer who tragically died today in Greater Manchester? The Home Secretary will know that the Equality and Human Rights Commission today published a legal opinion from two leading barristers, stating that the Government's proposals for 42-day detention would be contrary to article 5(1) of the European convention on human rights and would breach articles 5(2), 5(3) and 5(4). The opinion also describes the right hon. Lady's so-called concessions by saying that

"they do not cure the fundamental problems of incompatibility with basic human rights principles in the Counter-Terrorism Bill."

Her proposals are ill thought out, illiberal and counter-productive. Will she now ditch them, before Strasbourg ditches them for her?

Jacqui Smith: No, I will not. Not only are my proposals compatible with the ECHR, as I have spelt out in a letter to the chair of the Equality and Human Rights Commission, which I shall make available to every Member of the House, but they are right for the security of this country.

T6. [208936] **Mr. Philip Dunne** (Ludlow) (Con): Ten years after the Dunblane massacre, the Government have made such a hash of introducing the national firearms register that its computer software will not even talk to either the national ballistics intelligence database or the 43 police force databases sufficiently for all forces to use it. Not only is that causing many law-abiding owners of firearms licences who rely on them for their livelihoods to renew their licences, going back to last July, thereby putting their livelihoods at risk, but much more worryingly it is putting the public at risk.

Jacqui Smith: The hon. Gentleman is wrong. We have fully established the national register for licences for firearms management. We have also established, and will have fully operational this summer, the national database for the illegal use of ammunition and firearms, which will be an important step forward in supporting the police in identifying from bullets—or guns if they can seize them—where those have been used. The police have been clear that it is not a requirement to link the two databases, which serve very different purposes. However, they are in place and are already helping the police to do their job.

T7. [208937] **Mr. Paul Burstow** (Sutton and Cheam) (LD): Can it be safe to return Tamils such as my constituent, Mr. Subramanian, to Sri Lanka or Zimbabweans to Zimbabwe given the climate of intimidation, fear and murder in both those countries at present?

The Minister for Borders and Immigration (Mr. Liam Byrne): The hon. Gentleman will know that a decision about anyone claiming asylum in this country will be made by the UK Border and Immigration Agency with all the facts taken into account and that such people of course have the right of appeal through an independent judicial process to ensure that absolutely everything is taken into account. We have a proud tradition of honouring not only the 1951 refugee convention, but our obligations under the European convention on human rights. That is a tradition that the Government plan to keep honouring in the years to come.

Speaker's Statement

3.30 pm

Mr. Speaker: I wish to make a statement about the distribution of copies of ministerial statements, about which points of order and other representations have been made in recent days.

Since 2003, in the interests of accurate reporting, I have allowed copies of ministerial statements to be distributed discreetly in the Press Gallery when Ministers rise to make statements. Since it is clear that this arrangement is not operating as intended, in fairness to Members I have now decided that statements will be distributed to Members and the Gallery at the same time—when Ministers sit down. That does not interfere with Ministers' discretion to release statements to Opposition Front Benchers on the usual Privy Council terms. This will be in line with the recommendation of the report of the Modernisation Committee approved by the House in 2002.

Transport (Greater Manchester)

3.32 pm

The Secretary of State for Transport (Ruth Kelly): I rise to make a statement about improving public transport and tackling congestion in Greater Manchester. Before I do so, and in view of the number of my hon. Friends representing Greater Manchester constituencies who are in their places today, I am sure that all here would want to join me in offering condolences to the friends and family of the police officer who tragically died during a training exercise in Manchester today.

The transformation of our great cities and major towns has been one of the remarkable success stories of recent years. Across the country, we have seen new investment, new jobs created and a growing confidence about the future, but our future prosperity is threatened by the growing problem of congestion on our roads. The economic, environmental and social consequences of congestion are unacceptable. That is why the Government have been working with local communities and leaders to meet that challenge.

The Government already provide £2 billion a year in capital support for local transport. On top of that, we set up the transport innovation fund to encourage areas with imaginative local ideas specifically to target congestion. From this financial year, the Government have earmarked at least £200 million a year to support such schemes and invited local bids for the funding. Last July, the Association of Greater Manchester Authorities and the Greater Manchester passenger transport authority submitted the first business case under the transport innovation fund.

Greater Manchester is one of the fastest growing economies in the UK. It has seen the creation of 45,000 new jobs in the last five years. The Greater Manchester authorities are determined to build on that success and have a clear vision to make it one of Europe's premier city regions. But they have identified congestion as an increasing brake on their ambition and prosperity, putting one in seven future jobs at risk. That could be about 30,000 jobs in 2021. In order to sustain economic growth and prevent any deterioration in their citizens' quality of life, Manchester's authorities have decided that they must take action both to improve local transport links and target road congestion. The proposals they have submitted combine unprecedented investment in public transport in Greater Manchester, followed at a later stage by a congestion charging scheme to reduce traffic on the city's roads.

My right hon. Friend the Minister for Regional and Local Transport considered the bid carefully against the published guidance and I am pleased to announce today that the Greater Manchester bid has been granted programme entry. That is a significant step. It means that the Government support the package in principle and commit ourselves to working closely with Greater Manchester as it develops its proposals in the coming months. We have, therefore, provisionally made available £1.5 billion of central Government funding to help to meet the cost of the £2.8 billion package; the remaining amount will be funded by Greater Manchester.

That comprehensive package will deliver to Greater Manchester—and its citizens—a world-class public transport system. The proposals include plans for up to

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seven extensions—amounting to 22 miles of new routes—to the Metrolink system, including lines to Ashton, the airport and East Didsbury. People will see bus services transformed, with new cross-city bus routes as well as more reliable, frequent and safer services for passengers. The introduction of smartcards will cut queues and costs. There will be major improvements to local rail, including more carriages and seats on busy commuter routes, safer and more comfortable stations and improved passenger information. A network of yellow school buses will be introduced to ferry pupils to school and help to cut car journeys. There will also be investment in new cycle routes and secure cycle parking spaces, as well as improved park and ride facilities for rail and Metrolink.

To ensure that the people of Greater Manchester have real choices over their journeys, the majority of the improvements will be in place before the introduction of the congestion charge in 2013. The charging scheme will operate only in peak times, when congestion is at its worst. Only vehicles crossing the outer or inner ring into the city centre in the morning, and leaving during the evening peak time, will face charges. The peak-hours-only congestion charging scheme is considered critical to the success of the package, maximising the economic benefits, constraining future congestion and providing a local revenue stream to support public transport investment across Greater Manchester.

Studies have shown that the combined package of investment in public transport followed by congestion charging would deliver far more benefits in terms of the city's economic growth and quality of life than either investment or a charging scheme alone. To allow as many people as possible the opportunity to express their views on the proposal, Greater Manchester will now hold a public consultation. Subject to the outcome of the consultation, and after further work has been completed, the next step for Greater Manchester is to submit a bid for conditional approval to my Department. We expect that to happen in the autumn.

The Government are also in discussion with other towns and cities where local leaders believe that combining extra investment in public transport with congestion charging schemes is the right long-term solution for their area. Greater Manchester's proposals demonstrate their determination to develop innovative approaches to tackling congestion for the benefit of the economy and the mobility of people living in the city region.

Today, as a country, we are faced with an unprecedented growth in people's desire to travel. It is essential that we provide people with greater choice over how and when they travel, cut congestion on our roads and take the right decisions for our quality of life, the environment and the long-term health of our economy. I commend this statement to the House.

Mrs. Theresa Villiers (Chipping Barnet) (Con): I, too, would like to express the Opposition's condolences to the family of the police officer who so tragically died.

The proposals could see Manchester commuters paying £1,200 a year in congestion charges—8 per cent. of the income of someone on a £15,000 wage—when they are already struggling to make ends meet with rocketing fuel prices and multiple tax increases. Will the Secretary of State confirm that today's package would leave council tax payers footing the bill if the proposed transport projects overrun their budget, and that council tax payers also bear the risk if the revenue from the scheme fails to cover the £1.24 billion in borrowing that the Government are asking Manchester to take on? The London experience shows that collection costs can be considerable. With the net profit of the London scheme estimated at just £10 million since its inception, if the charge in Manchester is successful in reducing congestion, that will further reduce revenue and increase financial risk.

Transport improvements in Manchester, including Metrolink extensions, are, of course, welcome, but today's announcements on Metrolink do not make up for 11 years of Labour broken promises on light rail, including pulling the plug on Leeds and Liverpool. Were not improvement schemes in today's package, such as the Bolton rail-bus interchange, already promised by Labour before the TIF bid? What guarantees have people in Manchester that the charge will not be increased excessively in future? Has extending the congestion charge to a third outer ring been ruled out?

Finally but most important, why are the Government pressing ahead with this proposal when three out of 10 local councils oppose it and one is demanding a referendum? Why are they not prepared to offer the whole conurbation of Manchester a referendum on the scheme? The truth is that the Government are telling Manchester, "If you say yes to congestion charging you will receive money to improve transport, but if you say no you will not." That is bullying, pure and simple.

Why is the Secretary of State depriving her own constituents in Bolton, West of a free choice on the issue? Everyone knows that she is not too happy in the Cabinet. Will she back her Government or her constituents on this issue? Her statement was heard in stony silence on both sides of the House. Will it turn out to be the longest resignation letter in history?

Ruth Kelly: The hon. Lady came here today, yet again, with not a single policy proposal to her name—not a single proposal to tackle congestion in our towns and cities. Eighty per cent. of congestion today exists in our towns and cities, and over the next 10 years 80 per cent. of congestion will build up in our towns and cities. When Rod Eddington examined the issue he said that the economy would suffer to the tune of £22 billion if we did nothing, but the hon. Lady's proposal appears to do just that: nothing at all. She has ducked so many difficult issues that she practically walks—

Mr. Speaker: Order. I am always reluctant to interrupt a Secretary of State, but I say again and again that the function of a Secretary of State answering questions on a statement is not to talk about the Opposition's policies but to answer the questions that have been put to him or her.

Ruth Kelly: I am happy to answer the questions that the hon. Lady put to me, Mr. Speaker. If she had presented a list of serious questions and alternative proposals I would certainly have dealt with them, and I will of course deal with the points that she raised. One thing we do know is that if the Conservative party were

in power today, the £3 billion that we have on the table for Greater Manchester would not be available to that great city.

The hon. Lady suggested that this deal would somehow be bad for the motorists of Greater Manchester, which represents a fundamental misunderstanding of what the package is about. It is about delivering a world-class transport system for a world-class city, and we should celebrate the fact that a strong and effective local leadership in Manchester has produced an innovative package of proposals that will bring real benefits to people's day-to-day journeys. What is more, by committing us to introducing the vast majority of public transport improvements ahead of a congestion charging scheme, the proposals give people real choices in regard to their journeys across the city.

The hon. Lady asked how the financial risk would be borne. In presenting its bid to the Government, Greater Manchester said that it was prepared to accept and manage the risks associated with the deal. She asked what guarantees there were that the congestion charge would not increase in future. We have said that Greater Manchester must be completely transparent about the level of the charge, and that if it changed the terms of the proposals it would have to publish a new scheme order on which the people of Greater Manchester would be consulted.

The hon. Lady accused the Government of bullying the people of Greater Manchester. The people of Greater Manchester have said that they want a world-class public transport system. They have also said, incidentally, that they want a world-class bus system, which is an integral part of the proposals. The hon. Lady represents a party that voted against the Local Transport Bill, for which Conservative councillors have been campaigning throughout Greater Manchester.

I am disappointed by the hon. Lady's response, but I am afraid it comes as no surprise. It bears all the hallmarks of today's Conservative party. Conservative Members are clear about what they are against, but silent on what they think should be done. They have nothing to say and nothing to do, and they stand for nothing.

Tony Lloyd (Manchester, Central) (Lab): Notwithstanding the curmudgeonly response that my right hon. Friend received from the Opposition, there will be enormous enthusiasm for the proposals on the Labour Benches and in parts of Greater Manchester, because public transport in Manchester simply is not adequate. Does she agree with the claim that if Greater Manchester does not deal positively with congestion over the next 10 years, we will lose about 30,000 jobs? That is a lot of people who would be put out of work if we were to fail to act in the way my right hon. Friend has outlined.

Ruth Kelly: My hon. Friend makes a very important point. Greater Manchester itself has said that dealing with congestion is not an option, and that as congestion increases it will choke off growth in the city. It estimates that, by 2021, 30,000 jobs could be at risk. The argument is fundamentally an economic one: if Greater Manchester is to continue to grow, and to become the world-class city it aspires to be, it needs to tackle congestion by introducing a congestion charge and, equally importantly, by investing in public transport.

Norman Baker (Lewes) (LD): May I add my condolences to those expressed by the Secretary of State in respect of the police officer who has died? May I also thank the Secretary of State for giving me notice of the statement although in the light of your welcome statement just now, Mr. Speaker, I am bound to ask the right hon. Lady how three national newspapers were able to report this story on Friday? How were they able to get information about this announcement, which has been made to the House only this afternoon?

The Secretary of State will know that the Liberal Democrats support in principle the use of market mechanisms to achieve environmental ends, and that we therefore support congestion charging and road pricing. Does she accept, however, that as motorists will be worse off as a consequence of this congestion charge scheme, it is important to front-load public transport improvements across Greater Manchester so that the benefits for those using public transport and those using private motor vehicles are clear? More specifically, will she also accept that although the proposed scheme might work for the city centre and parts of Greater Manchester, it will not work for other parts, as the benefits will not be evenly spread? For example, in Hazel Grove and Cheadle the charge will be payable but there will be minimal improvements in public transport, and Stockport will be cut in half and people will be required to pay to cross from one side of Stockport to the other. Will she, therefore, look at the detail of the scheme to ensure that the benefits of congestion charging are rolled out across the whole area?

Will the Secretary of State also explain the role of consultation and assure the House that it will not be the phoney consultation we saw on Heathrow, but that instead it will genuinely involve local people and local people will decide what happens with the Government proposals, rather than any other mechanism? Will she explain, too, how the views of local councils will be taken into account, given that at least three oppose the proposals?

Finally, does the Secretary of State not think that it is a little inconsistent for Members of this House to say that they are green, that they believe in market mechanisms and that they want localism, and then to try to rubbish comprehensively a scheme that at least partially meets those objectives, as the Conservatives have done today?

Ruth Kelly: I welcome the tone of the hon. Gentleman's contribution. The remarks he makes in this Chamber are always worth hearing. He makes a number of important points. The first of them is that it is important to invest in public transport before any congestion charge comes on stream. We have committed, together with Greater Manchester, that the vast majority of the public transport investment will be in place by 2013, when it intends to turn on the congestion charge. He makes a point about how the benefits—or otherwise—of the scheme will be spread across Greater Manchester. I have talked to the Greater Manchester economists who did the work underpinning this scheme, and they estimate that the economic benefits will be spread not only across the city of Manchester, but right across the whole of the city region—indeed, some of the outer boroughs will benefit most from the increase in the availability of labour to become employed in different sectors and jobs in future.

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The hon. Gentleman asked about the consultation. The method of consultation will be for Greater Manchester authorities to determine and take forward, but they have committed to an intensive period of public information followed by a 12-week consultation period, during which they will gain the views of people throughout each district in Greater Manchester and of business. They have set themselves the test of public acceptability, both in terms of residents and business support.

The hon. Gentleman asks about the number of councils who need to support the proposal. It is good that there should be local devolution on these matters, and AGMA—the Association of Greater Manchester Authorities—has set its own rules that seven out of 10 local councils will need to support the bid for it to re-submit its scheme for conditional approval.

This is an ambitious proposal that deserves the support of the whole House.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): At the heart of this scheme is the requirement for local authority support. What mechanisms are there to ensure that that support is maintained, and what absolute commitment will there be to the improvements offered actually being delivered?

Ruth Kelly: Again, the form of the local consultation is for Greater Manchester, although the Government would have to satisfy themselves that consultation had indeed taken place. However, AGMA has set itself four tests, and an important one is that both the public and business ought to think that this scheme should go ahead, so that there is public acceptability for the proposals. It will be having exhibitions in each part of the city, across the city and in the boroughs surrounding the centre of Manchester, and I understand that it will conduct polls at the beginning and the end of the consultation period. It has to satisfy itself that these proposals pass that test before saying again to Government that it would like conditional approval to be considered.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Our prosperity is threatened not just by congestion but by excessive taxation, and in this instance we are looking at an absurdly complex charging system with two charging zones, no resident discount and the possibility of having to pay the charge more than once in a given day. Before this is imposed—without wide public support—I would like the Secretary of State to give an absolute guarantee that there will be not just consultation in this House but a vote if an extension is proposed to a third zone, which would be devastating for my constituents and hers.

Ruth Kelly: The hon. Gentleman is absolutely right that it is a sophisticated scheme. In fact, one of its great merits is that it does not charge people throughout the day, as in London, for travelling in and out of the scheme. It is a peak-hours-only scheme, using a tag and beacon system. When people enter the zone, they will have to pay once and there is no prospect of their having to pay twice for entering the scheme. Clearly, they have to enter the scheme, and if they return during the peak hour, they will be charged a top-up fee. It is because the scheme covers peak hours that it will reduce the amount of traffic during the peak times, and it will alter the choices that people make between using the car in the peak times, driving outside those times or using public transport. It is an inherent virtue of the scheme that it can charge people for driving at the most congested period of the day, rather than for using the roads per se.

Mr. Ian McCartney (Makerfield) (Lab): May I add my condolences to those expressed earlier? In the past year or so, we have had some grievous losses in Greater Manchester—from police officers in the ranks, to the very senior ranks. Our thoughts are with the family of that officer.

I thank my right hon. Friend for this announcement. For a decade, those of us living on the western side of Greater Manchester have been under-resourced in the extreme when it comes to public transport infrastructure. Her announcement today is welcome to me, my right hon. Friend the Member for Leigh (Andy Burnham) and my hon. Friend the Member for Wigan (Mr. Turner), particularly in the light of the campaign for more than a decade for a new station at Golborne. Can my right hon. Friend the Secretary of State for Transport facilitate a meeting between now and the autumn involving the transport authority, my right hon. Friend the Member for Leigh and I, Network Rail and the rail franchise, to ensure that in the autumn we can agree the option for the construction of a new station in Golborne? That would be the first in this area since the Beeching axe took it away in the first place.

Ruth Kelly: I am glad that my right hon. Friend welcomes the ambition and reach of these proposals; I know how long and hard he and my right hon. Friend the Member for Leigh (Andy Burnham) have been campaigning for Golborne station to be reopened. It is right that that is now on the table for consideration as part of these proposals, and I understand that my hon. Friend the Minister with responsibility for rail has met them to discuss the merits of that proposal. I am very happy to facilitate any further meetings that may be required.

Sir Nicholas Winterton (Macclesfield) (Con): The Secretary of State referred to the residents of the great city of Manchester and Greater Manchester. She made no reference whatsoever to the areas immediately outside Greater Manchester. Perhaps as many as 2,000 of my constituents need to go into Greater Manchester each day for their work. There is little or no public transport to take people from the villages surrounding Macclesfield to the station, where there is inadequate transport anyway. The railway has not the capacity to take additional people, and there is little proper road transport—that is, buses and coaches. Is the Secretary of State not aware that this is going to place huge additional costs on my constituents, and does she not think that she should have made some reference to those who will be affected outside Greater Manchester and the city of Manchester?

Ruth Kelly: I am afraid that I cannot agree with the hon. Gentleman. Journey times will be 20 per cent. shorter for those travelling in and out of Greater Manchester, and there will be more reliability and less traffic. There will also be more capacity on rail services, including on the busiest routes, so that people have a real option for travelling in and out of Greater Manchester.

The single most important benefit to the residents of Greater Manchester and those who live beyond its boundaries is that Manchester will have the opportunity to continue to grow and to compete on the international stage in a way that it has not been able to do until now.

Graham Stringer (Manchester, Blackley) (Lab): The investment in public transport in Greater Manchester is much needed and very welcome, but a special tax that will be paid only by people in Manchester and that could take up to £2,500 off their annual income is very much opposed by people in Manchester. Does my right hon. Friend agree that during the consultation process the scheme's opponents should be given the same ability to distribute literature as those proposing it, to ensure that the consultation is fair and balanced?

Ruth Kelly: I commend my hon. Friend's long involvement in championing Manchester's cause, but I do not think that anyone has accused the opponents of the congestion charge and public investment scheme in Greater Manchester of being silent—indeed, they have made their voices heard in several respects. If he casts his mind back to when the initial proposals were being considered and Greater Manchester residents and businesses were asked whether a bid should be submitted to Government, he will well recall that the majority of residents agreed not only with the principle of a bid being submitted, but with the proposals themselves.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the right hon. Lady accept that many of us are much attracted by her announcement today and believe it to be one of the things that we must, in principle, do if we are to deal with climate change? We had better get this s.. :me absolutely right, because this is something that we will have to do all over the country. I was surprised, therefore, that she did not use the words "climate change" in her statement. Will she tell me how many tonnes of CO_2 emissions will be saved by these decisions?

Ruth Kelly: I congratulate the right hon. Gentleman on his far-sightedness and on not being seduced by the short-term political opportunism of his Front-Bench team. He rightly refers to climate change; indeed, my statement referred to the environment. The only CO_2 emission calculations that I am aware of were those produced by the Greater Manchester authorities, which estimated that about 6 per cent. of all CO_2 emissions could be saved by the scheme.

Ian Stewart (Eccles) (Lab): I welcome today's statement, but with some reservations. For example, I am clear from what happened this morning that my constituents are not yet sufficiently aware of why we need such a proposal. We were waiting for a train that did not turn up, but my constituents did not understand that the necessary investment in the rail industry had not been made and that this proposal will help. My plea to the Secretary of State is to let the passenger transport authority do the campaigning to convince people. My hon. Friend the Member for Manchester, Blackley (Graham Stringer) and others will campaign against the proposal, but the role of Government should be to give genuine information to my constituents and to everybody else so that they can make a reasoned decision. Will the Secretary of State give that commitment?

Ruth Kelly: Indeed, and today's statement is part of that process. It is important that not only are arguments made for the Government's policy but people are given clear, unambiguous advice about what the proposals are. Today, I have set out in some detail, as have the Greater Manchester authorities, the specific proposals for each borough. I know that not only will each borough benefit from more rail capacity, but bus services will be transformed. Yellow buses are being introduced, as are guided busways between Leigh and Manchester, and between Bolton, Farnworth, Kearsley and Manchester. People need to see the details of the proposals to be able to make up their own mind, but I am certain that, in the long run, they will be convinced.

Mr. Philip Hollobone (Kettering) (Con): If these proposals are as attractive as the Secretary of State suggests, surely the best way to indicate the level of local support would be to put the proposals to local people in a Greater Manchester-wide referendum. That way, she could sell the proposals, the hon. Member for Manchester, Blackley (Graham Stringer) and others could oppose them, and the Government, if they are right, could demonstrate that the public are behind them on this. If the Government are wrong, a costly mistake would be avoided.

Ruth Kelly: The Greater Manchester authorities could choose to do that if they wished. Their judgment is that the proposals will be welcomed by local people and businesses. Indeed, my local borough is considering holding a poll of the sort that the hon. Gentleman suggests. I believe in devolution and these measures should be considered and determined locally.

David Heyes (Ashton-under-Lyne) (Lab): The announcement today is welcome and somewhat overdue. This level of investment in what the Secretary of State has called a world-class city is entirely appropriate for Britain's second city. It will certainly be welcomed in my constituency, Droylsden and other areas throughout Greater Manchester, as will the completion of Metrolink. I am pleased to hear that that will be implemented before the congestion charge is introduced, because that is crucial. While there is a need to tackle congestion through road charging, does my right hon. Friend agree that the scaremongering and misinformation put out by the Conservatives, especially in the recent local election campaign, will make the process of consultation so much more difficult?

Ruth Kelly: My hon. Friend is right. For instance, a scare story was put out by the Opposition that the congestion charge zone would be extended to boroughs outside the inner and outer ring, but that is complete nonsense. It is important that people are provided with the facts and are able to make an informed decision based on those facts.

Dr. Brian Iddon (Bolton, South-East) (Lab): Bearing in mind that Trinity Street station in my constituency has needed serious investment for several decades now, that the Bolton-Manchester rail corridor is one of the most congested in the country, and that extensions of Metrolink will not benefit Bolton, how can Bolton's

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three Members of Parliament convince their commuting constituents that this scheme will be of benefit to them also?

Ruth Kelly: I shall certainly be arguing the case in Bolton that there should be a state-of-the-art interchange linking both the rail services at Bolton with bus services; a new, high-quality bus route linking Bolton, Farnworth, Kearsley and Manchester with a 10-minute frequency for much of the day, segregated for a large part from other traffic; and more trains holding more people, so that people can travel in and out of the city centre in less crowded conditions. When those improvements are combined with a real upgrade in the quality of buses provided and a new yellow bus service for children travelling to school, commuters in Bolton will be convinced that an extremely good deal is on the table.

Barbara Keeley (Worsley) (Lab): I have grave concerns about the proposed imposition of congestion charging, because it would be very difficult for my constituents to switch to public transport, given how things stand. We have had severe cutbacks in our bus services, and my right hon. Friend has even visited a station that I have campaigned to have improved. We will not benefit from an extension of Metrolink either. So the position is dire—I have campaigned a lot on it—and it will not improve quickly. My constituents will be concerned to ensure that they have a proper say, and I hope that my right hon. Friend will give me an assurance today that everyone who wants to do so can have a say on these proposals.

Ruth Kelly: Certainly. Indeed, my hon. Friend's constituents will benefit just as others across Greater Manchester will from improved buses and greater rail capacity. Stations such as the one I visited are likely to be refurbished as a result of the announcement today. Some 42 stations across the area will benefit from a significant programme of refurbishments, including regular real-time information services about train arrivals, as well as better quality facilities for passengers.

My hon. Friend is right that her constituents need to have a say. Greater Manchester has promised a consultation that will be carried out independently, and the results will be submitted to the Government for consideration as part of the process.

Ann Coffey (Stockport) (Lab): I welcome the proposed investment in a new bus interchange station in my constituency, extra carriages for overcrowded commuter trains, new buses and perhaps, in the future, the Metrolink. May I ask my right hon. Friend for more details about the consultation process and the information to be provided, particularly in relation to road pricing, as my constituents will want to know more about the effect on very local journeys? As she will be aware, the outer ring cuts through my constituency, separating the north from the south.

Ruth Kelly: Greater Manchester will want to satisfy itself that people will still be able to travel to work freely and that that journey will be improved for the vast majority of people in the future, both for motorists as a result of reduced traffic on the roads, which will lead to shorter journeys and more reliable travel times, and for those who choose to travel on the roads outside peak hours or on the new bus and rail services. My hon. Friend is right to emphasise the importance of a good consultation process. I understand that the Greater Manchester authorities will provide information to every household across Greater Manchester, although these are questions for them. There will be exhibitions where people will be able to come to find out more about the proposals, and views will be gathered so that they can be submitted to the Government.

Mr. Neil Turner (Wigan) (Lab): The economic success of the UK has led Greater Manchester, and the city of Manchester in particular, to become a huge success. It is important that the city of Manchester is not choked on its own success and that the benefits are spread throughout the borough. That is why I welcome the infrastructure provided by the improvements to Wigan Wallgate and Wigan North Western stations and the additional and better rail links. Will my right hon. Friend announce at some stage in the future that there will be further improvements to the road infrastructure, which is equally vital to boroughs such as Wigan as the rail network improvements?

Ruth Kelly: I understand my hon. Friend's concern as a former chair of the highways in Wigan for a number of years, as I have just been informed by my colleague on the Front Bench. It is absolutely right that we have to maintain the infrastructure in roads. The Government are providing more than £2 billion of capital support to local areas across the country, but in the future Greater Manchester, too, will want to consider how to keep those roads properly maintained to ensure that motorists have the reliable journeys that they are promised in this bid.

Andrew Gwynne (Denton and Reddish) (Lab): I, too, welcome the £3 billion investment in public transport in Greater Manchester, which is much needed. Will the Secretary of State allay my fears that communities such as Denton and Audenshaw might become divided towns? What pressure can be put on the Greater Manchester passenger transport authority and the Association of Greater Manchester Authorities to ensure that those communities that straddle the M60 charge zone can continue properly to function as single communities?

Ruth Kelly: My hon. Friend makes an important point. It is essential that as a result of the proposals, social inclusion is not only maintained but improved and that communities do not become divided but are brought together. The bid offers local people the opportunity to make the case to the GMPTA about what improvements are needed to make that happen. Buses might need to be more frequent or more reliable, or the prices might need to be kept down. The local discount scheme might need to be designed in a particular way. The yellow bus service might need to take into account the fact that some parents live on one side of the boundary while the school is on the other side. The £2.8 billion package is sufficient for that.

Mr. David Chaytor (Bury, North) (Lab): I welcome today's announcement, because the improvements to local bus services and to Metrolink will be of enormous

benefit to my constituents, who have waited far too long. May I congratulate my right hon. Friend on confronting the difficult issue of congestion charging, on not running away from it and on not conceding to those who want to put their heads in the sand and hope that congestion will go away, because it will not? Does she agree that a lot of fine tuning needs to be done during the further consultation period? Will she look in particular at the questions of exemptions for public service workers and residence permits for those within the zone? In particular, will she consider differential charging according to the emissions rating of the vehicle, so that those who run the most fuel-efficient vehicles will pay less in the congestion charging scheme?

Ruth Kelly: I thank my hon. Friend for his comments. It is important that the Government back ambitious plans proposed by local authorities that are prepared to take the measures necessary not just to tackle congestion in the future, but to have a beneficial impact on the environment and, indeed, on the quality of life in those areas. An important part of the plans will be how any discount scheme operates. Greater Manchester has advised the Government that it intends to offer discounts, probably aimed at low-income groups, but the specific design of exemptions, or indeed how the charging scheme operates, is still in the process of being worked up. It is one of the points that it will wish to test through the consultation process.

Dr. Stephen Ladyman (South Thanet) (Lab): This is obviously a great opportunity for Manchester, and I suspect that what is being proposed will be a model for what will happen in many of our great cities over the years to come, but given some of the feedback that we have had about the scheme, can my right hon. Friend confirm that all the councils that are members of the transport innovation fund partnership are volunteers, that there are no pressed men and that the scheme was designed by people in Manchester for people in Manchester?

Ruth Kelly: My hon. Friend is absolutely right. Greater Manchester's leaders have come forward, on behalf of the citizens and businesses in Greater Manchester, with ambitious proposals to transform their local economy and to make Manchester a world-class city. It is right that the Government back those leaders who come up with ambitious plans to support future prosperity, to tackle climate change and to improve the quality of life, and it is important that the Government back that with hard cash.

Colin Challen (Morley and Rothwell) (Lab): As a Leeds Member, I sincerely welcome my right hon. Friend's statement and wish Manchester well in this enterprise. Many of my constituents work in Manchester, and they cross the Pennines every day to do so. My concern is to ensure that, if increasing numbers of commuters use the trans-Pennine route, they have better services. At the moment, there are certain deficiencies on that route and, as she will know, there is enormous congestion on the M62 which also needs to be addressed.

Ruth Kelly: My hon. Friend makes an important point. Of course, we are continuing to invest in the capacity of rail services. As he well knows, we have the fastest growing railway in Europe. As part of the TIF bid, extra capacity will be made available not just for the growing number of people whom we as a Government expect to use the railway over the next five or 10 years, but to support people who want to move out of their cars and start taking the train instead. Indeed, the busiest rail services in and out of Manchester have the most gain.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I welcome my right hon. Friend's statement. My only disappointment is that Manchester, not Sheffield, will get the package, although I accept that I am in a fairly small minority of people in Sheffield with that point of view at present. If we in Sheffield and, indeed, other cities come to the view that a package of congestion charging and public transport improvements is the only realistic way forward to a transport strategy for the future, will she back cities that come forward at a later stage as enthusiastically as she is backing Manchester? In the meantime, will she encourage all cities to develop some sort of strategy to tackle congestion, as that is currently not being done by all cities?

Ruth Kelly: Certainly, and that is the reason why we have set up a small pump-priming fund to enable towns and cities to develop proposals to tackle congestion in the future. Of course, if Sheffield and, indeed, other cities across the United Kingdom want to propose ambitious plans to do so, we will consider them on their merits. Indeed, if £200 million a year appeared not to be adequate, we would reassess the size of the pot to ensure that it was generous enough to fund the right sort of proposals.

Points of Order

4.14 pm

Mr. Edward Garnier (Harborough) (Con): On a point of order, Mr. Speaker. You may remember that last Thursday, during business questions, I asked the Leader of the House whether she could persuade the Minister for Housing to come to the House to initiate a debate, or make a statement, on the Government's eco-town policy. The Housing Minister perhaps heard half of what I said, because she appeared on "Newsnight" on Friday night to address what she no doubt thought was the nation. Are there any means by which you could persuade her that, once she has got as far as the BBC studio—

Mr. Speaker: That is not a point of order.

Mr. Garnier: Yes, it is not a point of order, Mr. Speaker, but it is a point of deep frustration that I am raising as a point of order so as to persuade the Housing Minister to go not to a BBC studio for once, but to the House of Commons, to tell us about her eco-towns policy.

Mr. Speaker: As the hon. and learned Gentleman says, it is not a point of order, but I am interested in the area referred to, because it once belonged to the great co-operative movement, in which Springburn was involved.

Mr. Garnier: And it still does.

Mr. Speaker: And it still does. It is not a question of me persuading Ministers. Ministers know that they are always very welcome here, and are welcome to make a statement. That point will be heard.

Colin Challen (Morley and Rothwell) (Lab): On a point of order, Mr. Speaker. Last week at business questions, the issue of the privacy of Members' addresses was raised with the Leader of the House. Her house is now subject to—well, it is not quite a terrorist attack, but some people might find it quite terrifying to have people climbing all over their roof. Surely that illustrates why we need further action to protect Members' addresses, and to protect our rights under article 8 of the European convention on human rights.

Mr. Speaker: I will not be drawn into the matter, because the issue could come before the courts.

Norman Baker (Lewes) (LD): On a point of order, Mr. Speaker. I learned this morning that an oral question of mine that was on the Order Paper had been unstarred by the Home Office without any discussion, or even the courtesy of notification of the occurrence. In my view, the question was in order; it was about the number of offences created by the Government, most of which were undoubtedly created by the Home Office—there are probably some 3,500 such offences, according to the best estimate. What is to stop Ministers and Departments from unstarring questions that it is politically embarrassing for them to answer?

Mr. Speaker: I think that the answer to that latter point is: nothing at all. It might help the hon. Gentleman to hear that transfers are a matter for the Ministers concerned, and not for the Chair, but transfers of oral questions can deprive a Member of the chance to put a question in the House. Oral questions should therefore be transferred with particular care.

Mr. Peter Bone (Wellingborough) (Con): Further to that point of order, Mr. Speaker. I understand that Departments have discretion over whether they answer an oral question. However, I, too, was listed to ask the Home Office a question; it was on migration. If the Government avoid difficult questions by bumping them off to the Cabinet Office, how on earth do we get the Home Secretary to come to the Dispatch Box and answer questions on migration?

Mr. Speaker: May I say that that is the same point? I am sure that the hon. Gentleman would not want me to repeat my statement.

Orders of the Day

Climate Change Bill *[Lords]*

[Relevant documents: The Report of the Joint Committee on the Draft Climate Change Bill, Session 2006-07, HC 542-I, and the Government response contained in Taking Forward the UK Climate Change Bill: The Government Response to Pre-Legislative Scrutiny and Public Consultation, Cm 7225; The Fifth Report from the Environment, Food and Rural Affairs Committee, Session 2006-07, on the Draft Climate Change Bill, HC 534, and the Government response contained in Cm 7225; The Scottish Parliament and the Northern Ireland Assembly have each passed a Legislative Consent Resolution in respect of this Bill. Copies of the Resolutions are available in the Vote Office.]

Order for Second Reading read.

4.18 pm

The Minister for the Environment (Mr. Phil Woolas): I beg to move, That the Bill be now read a Second time.

Mr. Speaker, I understand that you and the spokesmen for the Opposition parties have been informed that my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs sends his sincere apologies for his absence. He is unwell, but it is temporary and he will be back at work very soon. He has asked me to stand in for him.

Every Member of this House knows of the urgent need to prevent dangerous climate change. The science is clear and is now widely accepted and understood. Last autumn, the fourth assessment report of the Intergovernmental Panel on Climate Change told us unequivocally that the world's climate is warming, that human activity is by far the principal cause, and that without global action to reduce emissions, we face an increase in average temperatures of up to 4°C by the end of the century. What would that mean? It would mean too much water, not enough water, conflict over water and food, people moving across the earth looking for somewhere to live, economic disruption and a real risk of reaching the point at which abrupt or irreversible climate change happens.

The effects are already being felt. The World Health Organisation tells us that 150,000 people are already dying each year from climate change. The United Nations estimates that all but one of its emergency appeals in 2007 were to do with the climate—in Darfur, for example, where shifts in rainfall have made the conflict worse as people compete for grazing land.

As Nick Stern said in his hugely influential report on the economics of climate change:

"The benefits of strong, early action on climate change outweigh the costs".

The benefits include not only avoiding devastating economic and human cost—the equivalent of world war one, world war two and the great depression put together—but enormous economic opportunities for those companies and countries that adapt and innovate in leading the new industrial revolution, the low-carbon revolution.

Mr. John Gummer (Suffolk, Coastal) (Con): Has the hon. Gentleman noticed that many great companies are ahead of Governments in making their decisions to combat climate change, that the insurance companies were among the first to recognise its reality, and that there are few people in business now who have studied it who do not see it as something of a business opportunity, rather than a burden?

Mr. Woolas: The right hon. Gentleman makes a valid point. I would add one caveat: they are not ahead of this Government, but in my experience chief executives and chairs of major corporations are ahead of the game in understanding the realities of climate change and the business opportunities that that presents, and in understanding that business as usual is not an option for them. Indeed, the World Business Council for Sustainable Development is at the table at the UN talks, and it is a point that it often makes. I agree with the right hon. Gentleman.

Jon Trickett (Hemsworth) (Lab): The fact is, though, that whereas domestically the UK produces about 2 per cent. of the world's carbon emissions, large corporations based in the UK produce 16 per cent. of the world's carbon emissions. The early-day motion in my name and that of 70-odd other hon. Members calls for more openness from corporations in reporting the impact in carbon trading. The Government announced in the Lords that they would take on board the ideas in the early-day motion. Has the Minister anything to say on the matter?

Mr. Woolas: My hon. Friend makes an important point, which I shall come to. The debate tends to concentrate on the emissions for which we are directly responsible within our shorelines, but our economic activity, including the corporations, as well as the carbon footprint resulting from consumer activity in this country, is responsible for about 15 per cent. of global emissions, as a result of the fact that we are the fifth wealthiest country in the world. I will cover the implications of that later in my remarks.

Mr. Peter Lilley (Hitchin and Harpenden) (Con) *rose—*

Mr. Woolas: I shall give way once more on this point, then move on.

Mr. Lilley: I am grateful to the Minister for giving way. He has just said that there is general agreement that the benefits exceed the costs. How come his own final impact assessment of the measures that the House is considering concludes that at best the benefits could exceed the costs by £52 billion, but at worst the costs of what he is proposing to the House today could exceed the benefits by £95 billion?

Mr. Woolas: I am sure the cost-benefit analysis, which I hope we will debate today, will be subject to scrutiny in Committee if the House gives the Bill a Second Reading. It is probably best that I do not go into detail, but suffice to say that—*[Interruption.]* I do not expect the right hon. Gentleman to disagree with Second Reading. He makes an important point and we will be able to debate it. It is not a fundamental principle.

To anyone who might be tempted, in current global economic circumstances, to argue that we should put aside action on climate change because of more pressing

[Mr. Woolas]

matters, I would simply say that that would be the most profound mistake. The resource crunch, shown most clearly by the rising cost of oil and of our gas and electricity bills, is a reason not to defer action but to redouble our efforts to prevent dangerous climate change. Now, indeed, is the time to act. That is why the Government have introduced the Bill. It provides a clear framework for the UK's transition to a low-carbon economy.

Norman Baker (Lewes) (LD): The time to act is now, but is the Minister aware that in the transport sector there are increasing emissions from road transport, and particularly from aviation, the emissions of which were 9 per cent. up last year? When I put that point to the Secretary of State for Transport, her answer was that the transport sector is allowed to grow and the cuts will have to come from elsewhere. Is that the Minister's Department's view—that transport emissions should be allowed to grow while the others make up the difference?

Mr. Woolas: As my right hon. Friend the Secretary of State for Transport often explains, measures are being taken in the transport sector to ensure efficiencies and new technologies. We have debated the motor car, and we will come on to debate the inclusion of aviation in the Bill, which has been one of its controversial topics. On aviation, my right hon. Friend's point is that after the efficiencies in organisation and technologies have been best achieved, emissions will be offset when they are deemed unavoidable. I do question the hon. Gentleman's 90 per cent. figure—

Norman Baker: Nine per cent.

Mr. Woolas: Nine per cent., for the record; I take that point.

The Bill establishes legally binding long-term targets and medium-term budgets to provide greater clarity for UK industry, and that will enable businesses to plan effectively and invest in the technology that is required to move towards a low-carbon economy and to reap the potential economic benefits that are on offer. It will ensure that we adapt to unavoidable climate change as well.

Tony Baldry (Banbury) (Con) *rose*—

Mr. John Redwood (Wokingham) (Con) *rose*—

Mr. Woolas: I shall give way first to the hon. Member for Banbury (Tony Baldry).

Tony Baldry: The Minister is pushing at an open door in persuading not all, but the overwhelming majority of the House, I suspect, about the urgent need for the Bill, but will he help us with the question of targets? In the other place, Lord Rooker made it clear, saying:

"We admit that the 60 per cent target is an old one; it is seven years old...There have been significant advances in science since the 60 per cent target was set". —*[Official Report, House of Lords,* 11 December 2007; Vol. 697, c. 179.]

Lord Stern now says that there should be an 80 per cent. target by 2050. Is it not a cop-out simply to try to pass that on to a committee? Should not this House and Parliament take the political decision to set the target and accord with what people such as Lord Stern now advise?

Mr. Woolas: On the provisions in the Bill as it stands, there are two points. First, the target should be at least 60 per cent., with a request to the Committee on Climate Change to consider whether it should be even higher than that. To reassure the hon. Gentleman, I should say that Ministers and Parliament will take those decisions after the expert advice has been sought. I hope that his point will come out in the debate—and if I can move on, we are more likely to get to that debate.

Several hon. Members *rose*—

Mr. Woolas: I indicated that I would give way to the right hon. Member for Wokingham (Mr. Redwood). I shall then move on, because the targets issue is in the substance of the debate.

Mr. Redwood: I am very grateful to the Minister for giving way; he is being very patient. I find targets much more convincing and plausible if they relate to the next year or two, rather than to a 40-year period, and if they relate to things that the Government themselves can manage and are responsible for. Will the Minister propose targets for the next one year and two years to cut the carbon footprint of the Government? We would find that very welcome.

Mr. Woolas: On the latter point, the Government's carbon footprint is clearly a priority. As the Sustainable Development Commission reported, we have made some progress, but we are the first to say that we must do a lot more. The important point about the Bill is that greenhouse gas emissions are cumulative, and therefore whatever one's end target after a period of years, it is the cumulative gathering of gases that is important. To my mind, therefore, the interim targets are much more important than the end targets. That is why at the heart of the Bill is the idea of five-year carbon budgets—another way of saying targets—with the built-in idea that annual, indicative ranges should fall within them. That, I think, meets the right hon. Gentleman's point about immediacy. The Government as an organisation will be covered by the carbon reduction commitment, and I expect that that will accelerate change as well.

The Bill breaks new ground, and there is enormous interest around the world in what we are doing in this House. It is the first Bill of its kind. At the meeting of G8 Environment Ministers in Japan last month, someone gave me a copy that has been translated into Japanese—I do not suppose that that often happens with our Bills. That demonstrates our commitment, as seen by others, to do our part as we press for a new global climate deal in Copenhagen next year.

Before turning to the detailed provisions of the Bill, I want to pay tribute to all those whose efforts and leadership have enabled it to be brought before Parliament today. The Prime Minister and his predecessor have led this debate. I thank my predecessor, my right hon. Friend the Member for South Shields (David Miliband); Friends of the Earth for its Big Ask campaign; and the joint parliamentary Committee under the able chairmanship of my noble Friend Lord Puttnam. I am grateful for the

scrutiny and ideas of the Environmental Audit Committee and the Environment, Food and Rural Affairs Committee, chaired by the hon. Member for South Suffolk (Mr. Yeo) and the right hon. Member for Fylde (Mr. Jack) respectively, and for the examination by the Delegated Powers and Regulatory Reform Committee of the other place.

There was also the contribution of some 17,000 organisations and members of the public who responded to our consultation—and, may I say, don't I know it! The other place has already given the Bill its full consideration in a constructive and non-partisan process, and the Bill before us reflects the changes made as a result. Overall, this has been a model of how proper pre-legislative and parliamentary scrutiny can help to make a good draft Bill a better, stronger and more transparent Bill.

I am also grateful for the Opposition parties' support for the Bill. The truth is that whoever of us is in government over the next 40 years, this will be the most pressing matter that we have to deal with, and the Bill will help us in that task.

Steve Webb (Northavon) (LD): We certainly support the principle of the Bill. However, will the Minister give us a categorical assurance that if the Committee on Climate Change concludes in its study that 80 per cent. is the right answer, the Government will accept that advice and be bound by it—or will they just think about it?

Mr. Woolas: No, I cannot give that categorical assurance at this stage. The figure may be more than 80 per cent. The issue is linked to what happens in the UN talks. This is a contribution to a worldwide effort, and as yet we do not know what the worldwide effort is. The hon. Gentleman presses me on a point that the other place pressed us on. I have made the position clear. However, I give him the reassurance that I gave to the right hon. Member for Wokingham: it will be up to the usual parliamentary procedures when we get to that point in the cycle.

Mr. David Chaytor (Bury, North) (Lab): In respect of the support of the Opposition parties, does my hon. Friend agree that those calling for an increase in the targets must match that with support for the policies that would help the Government to meet those targets? Does he find it curious that in the past hour the official Opposition have opposed road pricing in Greater Manchester and in the past week they have opposed variable emission-related road tax—two of the policies that would be most effective in ensuring that we deal with the fact that road transport generates 21.6 per cent. of our total emissions?

Mr. Woolas: I think that my hon. Friend is asking me whether I am surprised. I can give a clear answer to that question, as I always attempt to: not at all.

Colin Challen (Morley and Rothwell) (Lab): What would happen if the independent Committee on Climate Change—we always seem to refer to it as independent—comes back with a target that is higher? We are faced with a number of choices in the near future, not least the possibility that if a global framework is agreed the EU will increase its own interim targets to 30 per cent. Do the Government have a plan B to deal with those potential changes?

Mr. Woolas: My hon. Friend makes an important point, as he always does on these and other matters. How one reaches the target is more important than the target itself. I do not diminish the importance of the target as a framework for action, but it is the interim budgets that set us on that track. The work of the independent Climate Change Committee will give advice not just on the interim five-year budgets, but on policies to achieve them, and we must take decisions in the light of that. Plan B is a combination of the international situation—including what we do if there is not an international agreement at Copenhagen—the interim budgets and the potential international agreement to mid-term targets as well as long-term goals.

Emily Thornberry (Islington, South and Finsbury) (Lab): On the subject of an emerging international consensus, does my hon. Friend agree that it is good news that Barack Obama also agrees that there should be a target of an 80 per cent. reduction by 2050?

Mr. Woolas: It is extremely good news for all of us that the policies that have been adopted by the presidential candidates and the debates in the Senate and House of Representatives demonstrate that we have introduced the prevailing policy around the world. The idea of cap and trade with legally binding commitments is being adopted, and we are closely following the developments in the United States of America. Our policy has been to lobby on a non-partisan basis, and I am pleased to see that candidates across the spectrum have listened to the wise advice of my right hon. Friend the Foreign Secretary.

Mr. Andrew Tyrie (Chichester) (Con): Will the Minister give way?

Mr. Woolas: I did say that I would move on—

Mr. Tyrie: On that specific point?

Mr. Woolas: I would like to move on, because I have a long, detailed speech to make. There is a limit on Back-Bench time already, and the Opposition have to have their say as well, quite rightly. If the hon. Gentleman will forgive me, I shall move on.

The Bill makes statutory our commitment to reduce CO_2 emissions by at least 26 per cent. by 2020 and by at least 60 per cent. by 2050. The level of the 2050 target has been a matter of much debate and I want to add a bit more detail. It is clear that the science has moved on since the target was originally set. We believe that the best way to respond is, as my right hon. Friend the Prime Minister announced in November, to ask the Committee on Climate Change whether the target should be tightened up to 80 per cent. The committee, with its scientific and economic expertise, is best placed to analyse the facts and provide authoritative advice on the appropriate target. It is a better and more credible way of deciding on the matter—and decide we must—than plucking a new target figure out of the air, as it were.

[Mr. Woolas]

The committee's review of the target, which the Bill makes statutory, will take place in the coming months, alongside consideration of the first three carbon budgets, and will be completed by December this year. It will also include whether and how the other internationally recognised greenhouse gases should be incorporated in our targets, rather than simply CO_2. We will use the powers in the Bill to do that, if it is what the committee recommends.

The Bill begins with a purpose clause, which was added in the other place, linking the Bill's objectives to the EU's ambition, which we support, of limiting global temperature rise to 2° C through a global effort. Much as we support the overall goal, I cannot see how that requirement fits into a piece of UK legislation. Any measure based on global temperatures means that we are dependent on what happens elsewhere in the world—in other words, on things outside of our direct control. The UK cannot, through domestic legislation, tell other countries what to do; nor can we legislate to control global temperature—but we can control our own overall emissions, which is why the Bill places a duty on the Secretary of State to reduce the net UK carbon account. We will therefore seek to remove clause 1.

One of the Bill's most radical and distinctive features is the framework that it creates for delivering and monitoring the reductions in emissions required to achieve the 2020 and 2050 targets. It establishes a system of five-year carbon budgets, set up to 15 years in advance, to make clear the direction that we are taking and provide greater certainty for business. We propose to strengthen our commitment in the Bill to building a low-carbon economy in the UK. However, we are unable to accept the limit that the other place inserted on the balance between domestic effort and internationally traded credits, because the limit set is arbitrary and undermines clause 34, which asks the Climate Change Committee to advise on the use of credits.

We need to ensure that the Bill supports our efforts to secure the ultimate prize of a comprehensive global deal to tackle climate change. Investment in low-carbon technologies through the international carbon market is an important part of that.

David Howarth (Cambridge) (LD): I hear what the Minister says about rejecting the approach of the House of Lords. However, is he willing to accept some limitation on the use of international trading to avoid the need—or requirement—to change what we do in this country? Surely we must be an example to the whole world.

Mr. Woolas: I am grateful to the hon. Gentleman for the opportunity to give him an affirmative response. It is a question of balance. We must balance the limit that we set to ensure that UK industry secures innovation, which will benefit us and the wider world, with the amount of international trade in carbon that should take place to allow the technology and finance transfer, through the private sector initiatives, that the developing world needs. I know that the hon. Gentleman supports that point.

Gregory Barker (Bexhill and Battle) (Con): Will the Minister clarify whether he intends to remove the clauses that the other place inserted and await the independent committee's judgment? Does he give a commitment to accept the judgment, whatever it is?

Mr. Woolas: Yes, yes and no. We intend to change matters—I give notice that, should the House give the Bill a Second Reading, we would like the committee to consider that. For reasons of good government and parliamentary accountability, it would be wrong to say that we will accept whatever the committee says. We intend to appoint people of the highest calibre to the independent Committee on Climate Change and take sound advice from them, because they know what they are talking about. It would be foolish to rule out accepting their recommendations. We therefore have an open mind.

Mr. Tim Yeo (South Suffolk) (Con) *rose—*

Mr. David Heathcoat-Amory (Wells) (Con) *rose—*

Mr. Woolas: I give way to the Chairman of the Environmental Audit Committee.

Mr. Yeo: I am interested in what the Minister said earlier about the targets. He knows that I strongly support the view that too much focus on the 2050 target runs the risk of not doing enough urgently. Will he seek the views of the Climate Change Committee specifically on the interim target and recognise that, although we could hit the 2050 target, we have no chance of staying within the 2° C maximum if we do little in the earlier period?

Mr. Woolas: The hon. Gentleman makes my point. He is right—we could hit the target by carrying on in the same way until 2049 and cutting emissions by 80 per cent. in the last year. If we did that, dangerous climate change would occur, with temperatures rising by 8° C, 10° C or possibly more. Emissions of gases are cumulative and the interim target is as important, if not more so, than the 2050 target.

Mr. Heathcoat-Amory: Will the Minister give way?

Mr. Woolas: There are many points to be made on that matter, and I must make progress.

Action by the EU is also important to help deliver our targets, and we need to recognise the legitimate right of UK companies to participate fully in the emissions trading scheme, which is the foundation of the EU's efforts to tackle climate change.

The framework of carbon budgets is underpinned by clear accountability, through annual reporting to Parliament on progress, supported by the requirement to set out an indicative range for the net UK carbon account for each year of the budget period, and by the independent scrutiny of the new Committee on Climate Change. The Government will be required to report to Parliament, setting out their plans and proposals to meet each carbon budget, as soon as practicable after it is set. The first three budgets and our plans for meeting them will be set out alongside the Budget in 2009. A requirement for the report to be laid by the Prime Minister was inserted in the other place, but since every other duty in the Bill is laid upon the holder of the Secretary of State's office, as is usual in a system of collective Government responsibility, we will seek to amend the relevant clause to uphold that responsibility.

There has been a great deal of debate about emissions from international aviation and shipping, which have already been raised this afternoon. They are, by definition, international industries, and the UK has therefore strongly argued for international action to ensure that they play their part in tackling climate change. I hope that aviation emissions will be included in the EU emissions trading scheme from 2012. That would ensure that any growth in aviation emissions in future would have to be balanced by reductions elsewhere. However, the issues in the allocation of national responsibilities for such emissions are complex; and so once the EU ETS rules have been set, we will ask the committee to advise on whether there is a methodology to include international aviation emissions in our targets and on what the impacts of doing so would be. We would expect to be in a position to decide whether to go ahead before the second carbon budget under the Bill, which runs from 2013 to 2017, although we would not want to cut across our parallel efforts to reach wider international agreement.

Several hon. Members *rose—*

Mr. Woolas: If hon. Members will bear with me, I think that they will welcome what I am about to say.

We recognise the strength of feeling on the issue, and have decided to accept the main thrust of the amendment made in the other place that sets a deadline of five years either to include international aviation and shipping emissions in our targets or to report to both Houses on why that has not been done.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): I very much welcome what my hon. Friend has just said. Aviation concerns the public, because it is the fastest-growing source of global emissions. Does he agree that it is right that aviation should bear the full economic costs that it imposes? Is it not time to look, globally, to a successor to the Chicago convention, and is it not anomalous that aviation fuel has been exempted internationally from taxation?

Mr. Woolas: There is a certain amount of detail in this debate, in which I am sure the House will want to participate this afternoon. What I have just announced meets the points of hon. Members in all parts of the House. The Government's intention is that aviation and shipping should be included. We are among the strongest adherents of carbon markets and the cap and trade policy in the world, but carbon markets have to be based on verifiable science. We cannot cherry-pick in carbon markets. The problem is recognising the difficulties in different methods of calculation, but we of course already collect such information.

Joan Walley (Stoke-on-Trent, North) (Lab): I am grateful to my hon. Friend for giving way and for his kind words about the role of the Environmental Audit Committee. The work that he has just announced to the House is likely to generate the same sympathy in respect of shipping, because if we have to wait longer for shipping to be included than we do for aviation, that will be unfair on UK manufacturers. We need all emissions to be counted in one go. The sooner that shipping is included, the better.

Mr. Woolas: I can confirm that our policy is exactly to include shipping partly for the reasons that my hon. Friend suggests.

Several hon. Members *rose—*

Mr. Woolas: I should like to make some progress, because I have already been speaking for too long and need to get through this important speech.

I have already referred to the Committee on Climate Change—a new independent, non-departmental public body that will be established under the Act.

Mr. Nick Hurd (Ruislip-Northwood) (Con) *rose—*

Ms Sally Keeble (Northampton, North) (Lab) *rose—*

Mr. Woolas: I need to move forward and finish my speech.

The committee's task will be to advise on the emissions reduction path to the 2050 target, and specifically on the appropriate level of the carbon budgets and our progress towards achieving them. The committee has already been established in shadow form, with a first-class team under the chairmanship of Lord Turner. It will be sponsored by and will report jointly to the Government and the three devolved Administrations. That gives me the chance to mention the excellent co-operation between the UK Administrations on this Bill, much of which covers devolved areas, for which I am grateful. Both the Scottish Parliament and the Northern Ireland Assembly have agreed the requisite legislative consent motions.

Mr. Hurd: The Committee on Climate Change is a key innovation in the Bill, which goes to the heart of improving accountability. It is, however, being asked to do a lot in a very short period of time. In the Joint Committee, we expressed concern about the amount of resources allocated to the new Committee on Climate Change. Will the Minister confirm its budget in its first year?

Mr. Woolas: I will have to come back to the hon. Gentleman—later in the debate, I hope—on the specifics. I give way now to my hon. Friend the Member for Northampton, North (Ms Keeble).

Ms Keeble: I am grateful. Is the Minister aware that although many qualities are required for the Climate Change Committee, there is no specific requirement for anyone to have any technical knowledge about the impact of climate change on the ecology of wildlife? Will he look into whether that quality could be included somewhere in the wide range of different skills required?

Mr. Woolas: Consultation with the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock), confirms that the answer is in the affirmative.

The Bill also introduces powers to establish new emissions trading schemes within the UK through secondary legislation. Trading schemes are among the most economically efficient means, we believe, of delivering emissions reductions. The first use of those powers will be to implement the carbon-reduction commitment, a mandatory cap and trade scheme covering approximately

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4,000 to 5,000 large, non-energy-intensive organisations. That will save some 4 million tonnes of CO_2 a year by 2020, making a significant contribution towards achieving our targets.

As the House will be aware, a significant level of climate change is already inevitable, so we must ensure that we adapt to climate change as well as militate against it. The Bill will put in place a requirement to assess the risks and vulnerability of the UK and to report that assessment to Parliament. The Government will have to lay before the House a programme of action on adaptation to address those risks and vulnerabilities. As part of this effort, all providers of public and other essential services will need to take similar steps. The Bill therefore creates powers for the Government to require service providers to assess the risks and set out the actions that they need to take in response. We will provide statutory guidance to help with that work.

Martin Salter (Reading, West) (Lab): I welcome the fact that the Minister has referred in his speech to adaptation—an important point. The Bill gives the Government new powers to require public bodies to produce action plans on adaptation at the discretion of the Secretary of State, so does my hon. Friend not agree that even at this stage it is important for Ministers to make it clear to local authorities that, given that it is right to expect considerably more volatile weather conditions and considerably more flooding, some of the proposed developments on flood plains are simply irresponsible? Those projections of increased rainfall and increased flooding are a direct result of the climate change that we are already seeing.

Mr. Woolas: As ever on this issue and others, my hon. Friend makes a strong point. He is right; we agree with him.

I say to the hon. Member for Ruislip-Northwood (Mr. Hurd), who asked about the new committee's budget, that it is £3.2 million for this financial year.

A new provision establishing a statutory sub-committee of the Committee on Climate Change was added in the other place. I recognise the importance of expert advice on adaptation, so I accept the new provision. We will bring forward further proposals to ensure that the work of the sub-committee is consistent with that of the committee as a whole.

I shall now deal with other provisions of the Bill. The Bill contains powers for up to five local authorities to pilot waste-reduction incentive schemes, designed to encourage households to minimise and recycle their waste. That is in response to requests from the Local Government Association. As previously announced by my right hon. Friend the Chancellor of the Exchequer, we will bring forward proposals for a power to require retailers to charge for single-use carrier bags. That will ensure that if the radical and swift reductions in their use that we seek are not achieved through voluntary agreement with the retailers, they will be achieved under this Bill.

The Bill also includes provisions to enhance the operation of the renewables transport fuel obligation. It will require the administrator to promote the supply of renewable transport fuel which delivers carbon savings and contributes to sustainable development or general environmental protection in the longer term.

Finally, I wish to address the addition made in the other place concerning corporate disclosure of carbon emissions, which has been of much interest to campaigning groups and to many in this House—the issue has been raised already this afternoon. The Government are not persuaded at present that such specific mandatory reporting requirements are an effective means of encouraging emissions reductions. But we do recognise that action is desirable in this area, not least to encourage the development of a standard that will support comparable emissions reporting. We will therefore propose a requirement for the Secretary of State to develop and issue guidance on how companies should report their greenhouse gas emissions. We will look further at taking forward the issue of emissions reporting in 2010, in parallel with the anticipated review of the narrative reporting requirements of the Companies Act 2006.

Many right hon. and honourable Members wish to speak on the Bill, so I shall draw my remarks to a close, but before doing so I wish to make this point: this Bill is about leadership. No other Parliament in the world has attempted to do what we seek to do today. I wish to take the Bill forward in the same spirit in which it arrived here—open debate, testing ideas and seeking improvements. I am sure that all that and more will take place in Committee, should the Bill be given a Second Reading.

In the end, however, the Bill is just a framework. What we do with it will determine whether we are worthy of the responsibility that has been placed on us by previous generations, ourselves, our own actions and the power of nature. The question is not whether we can pass the Bill. I have no doubt that we will. The real question is: can we reduce our emissions? Can we bring about the low-carbon industrial revolution? The answer will depend in part on what all the nations of the world do between now and our meeting in Copenhagen in 18 months' time to reach a new climate agreement. Each country must make its contribution and each person must play their part. That is the nature of climate change—it affects us all. The best step that the UK can take is to show leadership at home.

On the evidence of the past 18 years, during which UK CO_2 and greenhouse gas emissions have declined, what once seemed impossible has now become possible. That is progress, but we need much, much more of it. This Bill will help us to take those next steps on the most important journey that, we believe, faces humankind. I commend the Bill to the House.

4.58 pm

Mr. Peter Ainsworth (East Surrey) (Con): May I begin by expressing my condolences to the Secretary of State, who is unwell? No doubt he is as unhappy as anyone that he cannot be here to introduce what is probably the most important environmental legislation for a generation. We wish him a swift recovery.

As the Minister will know, we support the Bill, welcome it and congratulate the Government on introducing it. It is fair to say that there was some initial reluctance to accept the need for a Bill to put greater rigour into our efforts to reduce emissions of climate change gases. I pay tribute to my right hon. Friend the Member for

Witney (Mr. Cameron), the Leader of the Opposition, for campaigning personally for the Bill. I hope that the numerous non-governmental organisations that have themselves campaigned for it so vigorously and commendably will agree that his commitment played a substantial part in persuading a previously sceptical Government that this was the right thing to do. But this is not a moment for party politics—

Nigel Griffiths (Edinburgh, South) (Lab) *rose*—

Mr. Ainsworth: And I will give way to the hon. Gentleman in that spirit.

Nigel Griffiths: I take it that by a previous Government the hon. Gentleman means the previous Conservative Government. Does he accept that one of the biggest mistakes made by his party and by him personally was opposing the climate change levy, which has saved 28 million tonnes of carbon and 6 million tonnes every year? Why should he be right and all the environmental organisations wrong?

Mr. Ainsworth: I am sorry that I gave way to the hon. Gentleman, because he has made a silly and irrelevant point. We do not support the climate change levy because we do not believe that it does what it says on the tin; we think that it should be replaced with a carbon levy to address the problem of carbon. As for the previous Government, they of course set in motion the entire process of reducing climate change gases.

Mr. Gummer: Does my hon. Friend accept that merely labelling a tax with a polite name should not make it impossible for environmentalists to point out that some taxes work and some do not? We want a carbon tax that does the job properly, and is not a mere stealth tax that puts money into the Chancellor's pocket.

Mr. Ainsworth: I strongly agree with my right hon. Friend, whose efforts in relation to climate change indeed date back to the previous Conservative Administration. He has made a compelling point. The last thing that anyone who cares for the environment needs or wants are stealth taxes dressed up as green taxes: that is a recipe for disaster. This Government have a habit of taking good words and prefixes and stuffing them into inappropriate contexts. I am reminded of the notion of eco-towns, which have very little ecological benefit.

Colin Challen: Will the hon. Gentleman give way?

Mr. Ainsworth: I want to make progress.

I was speaking in a spirit of cross-party co-operation until the intervention of the hon. Member for Edinburgh, South (Nigel Griffiths). I have said for some years that we must have cross-party consensus if we are to rise to the challenges and opportunities presented by the need to deal with climate change and our dependence on fossil fuels. I do not intend to break that spirit of consensus this afternoon, but I am acutely aware that worrying precedents in earlier legislation were introduced with cross-party agreement. It is essential for any legislation, however mutually acceptable in principle, to receive its due share of scrutiny by Parliament.

In this case, I believe that the Government have approached the issue with appropriate caution and commendable thoroughness. It was right to place the proposals in the Bill before a Committee of both Houses, and I join the Minister in paying tribute to all who were involved in the pre-legislative scrutiny. I believe that we owe a particular debt of gratitude to Lord Puttnam, who chaired the Joint Committee with such skill and sensitivity. The House will also be grateful to the Select Committee on Environment, Food and Rural Affairs and the Environmental Audit Committee, and to their respective Chairmen, my right hon. Friend the Member for Fylde (Mr. Jack) and my hon. Friend the Member for South Suffolk (Mr. Yeo), for their role in scrutinising the Bill.

I also believe that it was right to introduce the Bill in another place in the first instance. As ever, their lordships did an excellent job of scrutinising and improving legislation. At the risk of jeopardising my desire to be non-party-political, I especially commend the Conservative Front-Benchers, Lord Taylor of Holbeach, the Earl of Cathcart and the Duke of Montrose—virgins all, I believe, in the arcane procedures of scrutinising legislation in Parliament—for their outstanding efforts. While I am about it, it would be wrong not to mention Lord Teverson who speaks for the Liberal Democrats and who, together with his colleagues, made a very helpful contribution to making the legislation better and more accountable—even if the occasional press release issued by Liberal Democrat headquarters smacked more of desperation than of responsibility. We believe that the changes made to the Bill in the other place represent a substantial improvement, and our approach to it in this House will be guided by a desire to retain, rather than to extend, its provisions.

Mr. Redwood: Does my hon. Friend agree that it would be foolish of this House to impose costs and obligations on businesses operating in Britain that are not matched by similar obligations elsewhere, as that would simply drive business overseas and not actually cut total carbon output?

Mr. Ainsworth: My right hon. Friend makes an important point that I will touch on later if he is patient and that will no doubt receive a lot of scrutiny in Committee. However, it is worth reiterating that we are not dealing here with trivial issues. The Climate Change Bill is a small but potentially important part of a global effort to reduce the impact that our generation of human beings is having on the ability of future generations to live in peace and prosperity.

I know that some people continue to doubt the scientific consensus that surrounds the United Nations approach towards measuring human responsibility for climate change. I am not a scientist, let alone a climate change scientist, but I suggest that it takes exceptional courage to disregard the view of 2,500 of the world's leading specialist scientists.

Mr. Heathcoat-Amory: I have read the intergovernmental panel report, and it surprises me that it makes no reference at all—not even in order to dismiss—to an alternative model of climate change developed by Henrik Svensmark and others, which attributes it to variations in cloud cover that are influenced by the sun's magnetic field. Regardless of whether that is right or wrong, it

[Mr. Heathcoat-Amory]

surely should have been addressed in a scientific report, because if it is not, there is a danger that it is not a scientific report, but more of a political one.

Mr. Ainsworth: My right hon. Friend makes a familiar point, if I may say so. I can only repeat to him that it takes a great deal of courage to disregard the scientific consensus of the world's leading climate change scientists. However, even if one wishes and has the courage to do that, there are many things that we ought to be doing in any case, such as making ourselves less dependent on fossil fuels and being more sparing in our use of natural resources. I will address some of those issues shortly.

While we are addressing the science, however, let me commend to my right hon. Friend the words of someone who did take a degree in science: Margaret Thatcher. She said:

"Until recently, we have always thought that whatever progress humanity makes, our planet would stay much the same. That may no longer be true. The way we generate energy. The way we use land. The way industry uses natural resources and disposes of waste. The way our populations multiply. Those things taken together are new in the experience of the earth. They threaten to change the atmosphere above us and the sea around us. That is the scale of the global challenge."

Margaret Thatcher said that 20 years ago. We are not dealing with anything new here; this is familiar territory in terms of the scientific knowledge. She also said:

"It is no good squabbling over who is responsible and who should pay. Whole areas of our planet could be subject to drought and starvation if the pattern of rains and monsoons were to change as a result of the destruction of forests and the accumulation of greenhouse gasses".

Twenty years on, I suggest that it is not worth squabbling about the scientific evidence. Whether or not mankind or CO_2 emissions are responsible, something is happening to the planet, to our ecology and to our economy that we cannot carry on ignoring.

Last year, the Artic summer ice reduction was 30 years ahead of the predicted melt rate forecast by NASA. If melting continues at this rate, the Arctic ice cap could completely disappear in the summer months before 2030. Average temperatures in Britain have risen by more than 1° C since the 1970s—almost twice as fast as the global rate of warming over the same period. Since the late 1990s, droughts and unusually hot summers have contributed to a fall in world grain yields, during which time the number of extra mouths to feed in the world has risen by more than 600 million.

Let us take just last year alone. Africa suffered the biggest flood in three decades, which hit 23 countries from Senegal in the west to Somalia in the east, and affected more than 41 million people. Nepal, India and Bangladesh were hit by the worst flooding in living memory, and so it goes on. I do not imagine that anyone in this House fails to understand that the consequences of climate change are moral, social and economic, as well as environmental. The question is: what will this Bill do to address the problem?

Tony Baldry: My hon. Friend has not quite responded to the point made by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory). Some of us in the House deserve a bit of attention today, because it is the 25th anniversary of the 1983 intake into the House of Commons, so I hope, Madam Deputy Speaker, that there will be some indulgence for us this evening. My right hon. Friend was seeking to suggest that the report of the Intergovernmental Panel on Climate Change was politically motivated. Can my hon. Friend confirm that as far as the vast majority of us are concerned, these were scientists giving scientific advice? Indeed, Professor Spicer of the Open university, a constituent of mine, suggests that the IPCC underestimates the science. For example, he is concerned that

"the most recent Working Group 1 report admits that it deliberately ignores the most"—

Madam Deputy Speaker (Sylvia Heal): Order. This is very lengthy for an intervention when so many Back Benchers wish to contribute.

Mr. Ainsworth: That intervention, though lengthy, was getting more helpful as it went on, Madam Deputy Speaker. I am grateful to my hon. Friend, who is of course right: the intergovernmental panel and the scientists working on this issue work crab-wise and by consensus, so conservatism is built into the entire process by which they reach consensus. It is unfair to them and an unnecessary slur on their scientific integrity to accuse them of political bias.

Alan Simpson (Nottingham, South) (Lab): Is not the truth that, even if we take the arguments of those who believe that this problem is to do with solar cycles rather than carbon emissions, the reality is that the world faces precisely the same crises? That carbon can act as a surrogate for huge changes in the way we live that will not otherwise address the shortages of water, insecurities of energy and the turbulence of climate change that we will have to manage.

Mr. Ainsworth: Not for the first time, I strongly agree with the hon. Gentleman, who has an impeccable track record on these matters.

Of course I accept that there is no solution to the global climate challenge that is not itself global—that is taken as read—but if Britain wants to have credibility on the international stage, we must put our house in order first, and this Bill goes some way towards doing that. However, we should be more honest about our own emissions and our own contribution to the global problem. That means, among other things, including the contribution made by international transport in the calculations, as proposed in clause 30. I was very pleased and interested to hear what the Minister had to say about that earlier.

Emily Thornberry: Will the hon. Gentleman give way?

Mr. Ainsworth: I must make progress.

We believe that the Bill, as amended in the Lords, is in pretty good shape. As I have said, we do not want to extend its scope beyond what has already been determined, but in particular we hope that the Government will not seek to weaken it and make it less effective as a means of ensuring British leadership in the global debate and in developing the technologies that we need to de-carbonise our economy.

Conservatives see the challenge of climate change as an opportunity, rather than as a threat. We in Britain are in danger of falling prey to the threat, rather than rising to the opportunity. My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), who intervened earlier, was absolutely right—dressing up stealth taxes as green taxes is a sure-fire way of alienating public opinion and should be avoided.

We are all too well aware of the rising costs of dependence on fossil fuels. Last week, the price of oil reached an all-time high. The consequences for consumers everywhere are enormous and bad. The rises in fuel and food prices are of course related. The prospect of an economic downturn only reinforces the need to become more energy-efficient, more fuel-efficient, more aware of the limits set by nature, more sparing of our use of natural resources, and more self-sufficient in energy and food. The need to be both greener and safer has never been more apparent, so this Bill is extremely timely.

As I have said, we do not want to extend the Bill's scope beyond the existing parameters, but we believe it important to retain what it comprises. In particular, we believe that it is important to retain clause 1, which establishes a principal aim

"to ensure that UK emissions of greenhouse gases do not exceed the level necessary to contribute to limiting the global average temperature increase to not more than 2° C above pre-industrial levels."

I was disappointed to hear what the Minister had to say about the clause, but no doubt the issue will be further debated in Committee.

We also believe it right for the Prime Minister to be accountable for progress towards the targets set out in the Bill. I think that the Liberal Democrat spokesman recently said, when we shared a platform at a meeting on climate change—that is an occupational hazard—that the Department for Environment, Food and Rural Affairs was a "piddling little Department." I know what he meant, because it is racked by funding crises, unpopular with the Treasury and disrespected by other Departments; DEFRA certainly has its problems. It is our ambition that the Department should do better. It holds a key position in the great debates of our time, on not only climate change—as if that were not enough—but food security, energy security, water supply and pricing, flooding, coastal erosion and the depletion of natural resources. DEFRA should be at the heart of the Government; it should not be marginalised, weak and ineffectual.

The Bill's provisions involve the whole of Government and the whole economy, not just one Department. It is therefore right for the Prime Minister to assume responsibility for progress towards meeting the targets to reduce climate change emissions. To anyone who says that this is unprecedented, the answer must be that we are dealing with an unprecedented challenge and an unprecedented opportunity for our country, and it is therefore right that the Prime Minister should have responsibility for reporting on progress as set out in clause 4.

We also believe it important to retain the provisions that aim to ensure that a majority of emissions reductions come from domestic sources, as opposed to being bought, like indulgences, in the often unreliable international credit market. Thus, I was sorry to hear what the Minister had to say about that earlier. We support these measures, not because we believe in wearing a hair shirt, but because we believe in opportunity—I am referring to clause 25.

Hugh Bayley (City of York) (Lab): I am sure that it was a slip of the tongue and that the hon. Gentleman meant to say international carbon market, rather than the international credit market. Does he agree that London could assume an important role as an international trading centre, particularly if the Bill goes through and ours is the first country to achieve a law of this kind?

Mr. Ainsworth: I strongly agree with the hon. Gentleman; indeed, London is already the global centre for the international trade in carbon. I meant to say carbon credits—both carbon and credits. By no means all the projects supported under that scheme are unreliable, but some of them are. The point is that we need to ensure that we are driving our domestic effort, as well as helping others around the world to contribute to their efforts. That is what is set out in clause 25. Ministers and other hon. Members may be aware of the joint statement put out on that very issue by WWF-UK and Scottish and Southern Energy in support of the clause. They state:

"A fundamental part of the ambition and purpose of the Bill is to provide a strong framework to guide a sustained decarbonisation of the UK economy."

They add:

"Relying significantly on emission reductions which take place overseas could influence long-term investment decisions here in the UK, particularly in the power sector—locking the UK into a high carbon economy for years to come".

The approach adopted by Scottish and Southern Energy underscores the vital commercial case for setting a framework in the Bill that will give investors the confidence that they need to take the bold decisions that will be needed to drive a dynamic, low-carbon economy, creating green growth and prosperity, and enabling the United Kingdom to take an international lead.

Mr. David Drew (Stroud) (Lab/Co-op): There can be no clearer way for individual households to play their part than by their agreeing to personal carbon allowances. What is the Opposition's view of them?

Mr. Ainsworth: They are an elegant intellectual construct whose time has not yet come.

Mr. Christopher Chope (Christchurch) (Con): Does my hon. Friend share my concern about the potential impact of this Bill on the costs of ordinary households? Paragraph 2.1.7 of the final impact assessment states:

"Higher fuel prices would decrease the costs of reducing emissions".

That implies that people who support this Bill are in favour of higher fuel costs, which are a great burden on the poor.

Mr. Ainsworth: I am afraid that my hon. Friend appears to have misunderstood that point. If he is worried about rising domestic fuel bills, he should look at the current price of oil and worry about what continuing dependence on depleting fossil fuel reserves will do to domestic heating, water, transport fuel and every other

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kind of bill in the future. Consumers have real problems with these rising bills—I am afraid that we probably have not seen the half of it yet—and they are intimately related to our continuing dependence on unsustainable ways of living.

Mr. Yeo: On the question of the impact of the Bill on business, does my hon. Friend agree that one reason for supporting the Bill is that it may accelerate the process through which British companies decarbonise their products? It will quickly give us a competitive advantage if our companies offer low-carbon products and services compared with those produced in other countries. Market instruments and even regulations may therefore be helpful to businesses in this case.

Mr. Ainsworth: I am grateful to my hon. Friend who chairs the Environmental Audit Committee and who has strong personal views on individual carbon trading. I am glad that he did not raise them with me this afternoon. He is right, and that point is central to the one that I am trying to make to the House. It is also integral to clause 12.

Indeed, the CBI has expressed its support for the setting of clear and stretching targets, and the structure of rolling carbon budgets, set three periods in advance. I am pleased that clause 12 now also includes a requirement for the Government to set out indicative annual ranges for the net UK carbon account within each five-year budget period. The CBI also supports the establishment of an independent, authoritative Climate Change Committee to provide advice and guidance on the effort needed to meet our obligations.

As I have said, it is fundamental to our approach that the implementation of measures enabled by this Bill is based on scientific knowledge: economic and social implications will also need to be taken into account, and it will be the role of the Climate Change Committee to do that. I was therefore concerned to read reports that Lord Turner, who was recently appointed to chair the committee, has already announced that he will leave it. I would be grateful if the Minister clarified Lord Turner's position when he responds to the debate.

One of the committee's first tasks will be to establish the adequacy of the carbon reduction targets set out in the Bill. I know that hon. Members will be aware of the vigorous campaign—it has already been mentioned this afternoon—to lift the long-term target for CO_2 reductions from at least 60 per cent. to 80 per cent. As my hon. Friend the Member for Banbury (Tony Baldry) has pointed out, there are rational arguments for doing so. The 60 per cent. target is based on the advice of the Royal Commission on Environmental Pollution as it was offered eight years ago. The science has moved on since then. Few in the scientific community now believe that 60 per cent. will be adequate.

The Government will no doubt wish to consider these arguments carefully. Our view from the outset has been that it should be for the Climate Change Committee, not politicians, to determine the scale of the effort needed. The committee will need to have regard to the principal aim of the Bill—provided it is still there—when determining future targets. The scientific understanding of the scale of the challenge will continue to move and it is important to retain flexibility. In any case, I agree with those who have already said that it is meeting the nearer-term, rather than the longer-term, targets that will be critical to success or failure. We must set a short and medium-term trajectory to ensure that the principal aim of the Bill is met.

Steve Webb: Is it not the case that this is not a purely scientific question but a political one? It is about how far what we do in this country contributes to the global total, and the science does not provide the whole answer. Surely there is a political dimension and we, as politicians, should take responsibility.

Mr. Ainsworth: Indeed, we are all demonstrating that responsibility this afternoon.

I welcome part 4 of the Bill, which sets out measures to tackle the impact of climate change and the obvious need to adapt to it. I know that it will be particularly welcome to the hon. Member for Wolverhampton, South-West (Rob Marris), who has been a tireless cheerleader for adaptation measures. I have never understood why there has been a stand-off between those who argue for efforts to mitigate the risks of climate change and those who argue for adaptation. We need both. The scientists tell us that even if we halted carbon pollution completely overnight, the effects of existing levels of CO_2 in the atmosphere will continue to be with us for years to come, so we need to prepare and to adapt. I welcome the creation in the Bill of an adaptation sub-committee to take the agenda forward.

There is some confusion over the Government's intentions regarding part 5, which deals with waste. The Minister shakes his head, but at present the Bill provides for up to five local authority areas to be designated as pilot areas for waste reduction schemes. Schedule 5 sets out the basis for such schemes and includes a provision allowing councils to charge households according to the amount of waste they produce. We in the Opposition would greatly prefer a system of rewards to a system of penalties and I reiterate our belief that any new green taxes should be offset by tax cuts elsewhere. The Secretary of State and his Ministers will be aware of recent press comments to the effect that sources close to No. 10 have decided that they do not want the Government to proceed with the scheme, and so the Government are teetering on the brink of yet another U-turn. Has the Minister spoken to the Prime Minister recently about the plans for variable waste charging? What did he say? What is the status of that measure?

The real test of the Bill will be whether it changes the mindset in Whitehall and Westminster to ensure that respect for the environment truly finds a place at the heart of policy making and Government practice. We must end the absurdity of the present situation, whereby DEFRA spends millions of pounds on public campaigns to get people to use energy more efficiently while the Department's use of energy is going through the roof.

We need the Government to lead by example. An approach based on, "Do as we say, not do as we do," will rightly be greeted with cynicism. Neither will we be successful in persuading the UK public or overseas Governments of our commitment to addressing climate change if, at the same time as preaching the low-carbon message, we usher in a massive expansion in aviation capacity, give the green light to the first new coal-fired

power station for a generation without it providing for carbon capture and storage, or impose biofuels obligations on transport fuels without requiring that biofuels come from sustainable sources. It is madness to cut down the rain forest in the name of the environment.

If the Bill helps this and future Governments to be more consistent and coherent in their approach, it will deserve to be counted as a success. If it helps to unlock the creativity, imagination and resourcefulness of our industry and capital markets, making Britain a leader in the journey towards a prosperous, safer and greener world, future generations will look back on it with gratitude.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. May I remind all right hon. and hon. Members that Mr. Speaker has imposed a 10-minute limit on Back-Bench speeches?

5.28 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): We have heard this afternoon about one of the most important elements at the forefront of the need to pass the Bill resoundingly through the House: the international significance of what we do, and the way in which the Bill will be not just closely looked at elsewhere across the world, but seen in terms of the discussions that I hope will prove successful in developing international agreements on climate change as a serious and clear statement of this country's intent to play its full part in ensuring that climate change is combated both in this country and internationally.

If we are thinking about the international effect, perhaps we need look no further than the successful Democratic nominee for the US presidential election in November, who, as hon. Members have already indicated, has stated on his website and in his policy statements that he supports

"a market-based cap-and-trade system to reduce carbon emissions by the amount scientists say is necessary: 80 per cent. below 1990 levels by 2050."

His website says:

"Obama's cap-and-trade system will require all pollution credits to be auctioned."

Obama goes further than that: he states in his election platform that he will require 25 per cent. of energy in the United States to be provided from renewable sources by 2025. Indeed, he wishes to set national building efficiency goals and

"to establish a goal of making all new buildings carbon neutral, or produce zero emissions, by 2030."

Well, he is not quite there, as far as the Government are concerned, given their aims for zero-carbon housing, but it is fair to say that one can already see in that plan a number of echoes of what the Government have been doing on climate change and the necessary actions to mitigate it. One can say with reasonable fairness that already what is being done has received echoes in some of the most important parts of the world that will be necessary to ensure that our climate change goals are met.

The most important meat of the Bill is, of course, carbon budgets and driving down the carbon emissions that this country produces year by year, not just ensuring that, by 2050, we have a figure that looks right in 2050. As my hon. Friend the Minister has already emphasised, we need to ensure that the quantum of CO_2 goes down every year and is not in the atmosphere at the end of the period and that that progress is made year on year. Therefore, the interim targets suggested in the Bill are equally important, as indeed are the trading arrangements that will enable those budgets to be maintained over that period.

Banking and borrowing in the trading system are important in the carbon budget system. We need to listen carefully to what the Committee on Climate Change advises, but it is vital that we make the very clear link between carbon budgets and real reductions in CO_2. We cannot get to the 2050 targets just by trading off others; we must make our own binding and long-term reductions in CO_2 emissions. Above all, that will help to shape what a real sustainable low-carbon economy will look like. Borrowing our way into claimed low-carbon economic practices will simply not give the shape to the components of that 2050 economy. It is important therefore that that part of the climate change procedure for carbon budgets is right. It was good that the Government moved in the Lords to eliminate the retrospective amendment of a carbon budget when its period is over for that reason.

It is important also that carbon budgets include all emissions. As we have heard this afternoon, that includes aircraft and shipping emissions, and the Committee on Climate Change should consider at an early stage how those are included under the Bill. Of course, it is essential that we understand the issues of measurement and the apportionment of responsibility. It is good that aviation is now included in the next stage of the European emissions trading scheme. However, to gain the real notion of what our emissions are, it is essential that such things are included, along with real reductions in carbon emissions year by year, in the carbon budgets at an early stage.

Trading is important, but it has to be in a system that gives persistent, long-term carbon value. The Bill will greatly assist us in achieving that because of the comprehensive nature of the inclusions through which carbon budgets work. The carbon commitment will underline how important that is. That is the long-term legacy of the Bill; it is not about some distant debate in 2051, when someone will stand at the Dispatch Box to account for where we have got to with emissions—that is, if the House is still above water then, and the targets have not been seriously missed. The Bill is not about that debate as much as about the fact that at all stages we will need real, measurable and accountable mechanisms that keep the UK up to speed and on track. If the debate is about the point in 2050 when we learn whether the targets have been met or not, the House will have missed its one chance to make sure that the targets are met. If in 2050 we realise that we did not get things right, it will not be a matter of being sorry; it will be a matter of the planet's future taking a very different direction from the one it would have done if we had got things right.

Getting the targets right will inevitably mean enormous changes to how energy is deployed, and to the use of renewables instead of the conventional fossil fuel that we have relied on for so many years. Of course, renewables are one of the greatest forms of insurance against rising fuel prices, because they allow us to secure energy that is

[Dr. Alan Whitehead]

based on a free source not subject to the price rises that occur as a result of the increasing scarcity of the fossil fuel supplied to developed economies. Getting the targets right will mean many changes, including enormous changes to how we plan our environment and create and dispose of waste. If we decide that we have to create a carbon value for exchange, we will have to do the same for waste and resources. We cannot create a carbon value for many things, but not do so for waste. We cannot continue to think of waste as something that we can throw around our environment, expecting it to be cleared up without taking any account of the consequences.

That future need not be frightening, but it will be very different, and it will require all parties, whatever party is in government, to maintain the commitments in the Bill. In a sense, the Bill is very different from virtually any other Bill that I have been concerned with in my time in the House, as we cannot take it to pieces at a future date if the fancy takes us. It involves the House making a commitment now if we are to ensure that the Bill stays on the statute book until a guaranteed low-carbon economy has been achieved.

In agreeing to the Bill's Second Reading today, we are declaring that we will not resile from its provisions. It is not a Bill that can be lost in limbo or watered down at a future date. It has to work, and it has to work now. I trust that that is the commitment that we in the House will all make when we agree to pass the Climate Change Bill, and I trust that we will make sure that it not only reaches the statute book but stays there—

Madam Deputy Speaker: Order. The hon. Gentleman's time is up.

5.38 pm

Steve Webb (Northavon) (LD): May I, too, wish the Secretary of State for Environment, Food and Rural Affairs a speedy recovery from his ill health?

The Liberal Democrats welcome the Bill, but in this debate my worry is about the risk of complacency. There is a danger that we will congratulate ourselves on the first Climate Change Bill—that when we go home tonight having agreed to its Second Reading, as I am sure we will, we will say, "Haven't we done well?" when all that we have done is set a not very demanding target. Targets are all very well, but we all know that they have a knack of not being met when the target is only a few years away, let alone when it is a generation or more away—for example, the entirely laudable target of halving child poverty in two years. On the statistics, child poverty is going up. The target of abolishing fuel poverty for the vulnerable is due in a couple of years, and fuel poverty is going up. My concern about the Bill is that if it does not have teeth, we can set the most extraordinary targets we wish and we will be deceiving not only ourselves, but the rest of the world.

That is why it was regrettable that in his introduction the Minister said that the Government want to remove the teeth that were added in another place—the requirement to report to the Prime Minister. With due deference and no disrespect, I referred to DEFRA as a piddling Department. I also referred to it, mixing my metaphors, as a minnow among wolves; perhaps a minnow among sharks might have been a better description.

As DEFRA is not responsible for green taxation, transport emissions, housing, energy or any of the other principal sources of emissions, the worry is that no matter how noble and worthy a person they may be, the Secretary of State for Environment, Food and Rural Affairs is just a small cog in a very big wheel. If we do not make the Head of the Government of the day responsible for the target, it will not get the priority it deserves and, like so many other targets, will be missed.

Barry Gardiner (Brent, North) (Lab): Will the hon. Gentleman take this opportunity to apologise to the many civil servants who faithfully give of their lives and their careers in the service of what we are discussing today, who are in DEFRA and who have worked tremendously hard to bring about the Bill? The hon. Gentleman's remarks about the Department as piddling are beneath him.

Steve Webb: Au contraire. I do not want to put words in the mouths of civil servants, but I suspect that if I worked in DEFRA, I would want people batting for the Department, demanding a bigger, stronger role for it. I think the people who put the Bill together want it enacted and enforced, and if it is enforced by the Prime Minister, they will sleep happily in their beds at night.

Tony Baldry: Is not the point that the hon. Gentleman makes, which was made by my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), that the central issue is funding—for example, of the Committee on Climate Change? We saw DEFRA being rolled over on the rural payments scheme. The Treasury did not come to the rescue of DEFRA and say, "Terribly sorry, we have fallen foul of Brussels and here is some extra money." The Department just made consequential cuts in every other area of its spending.

Madam Deputy Speaker: Order. As so many Back Benchers want to make a contribution to the debate, we must debate the Second Reading of the Climate Change Bill.

Steve Webb: Thank you, Madam Deputy Speaker.

To implement the targets in the Bill will require funding. My worry about the Department responsible being DEFRA, not the Head of the Government, is that the budget of the Department is torn in many different ways. When it is struggling on the farming and rural affairs side, the environment side gets squeezed—as, for example, in the cuts to business recycling projects.

During the debate we have heard about cross-party consensus. The vital thing is that whichever of the three major parties is running the country in future, the Bill's targets are enforced. My worry is that we have had intimations this afternoon that if the hon. Member for East Surrey (Mr. Ainsworth) were in charge, he would have exactly the same problems as the Secretary of State will have.

The hon. Gentleman's "Dear Colleague" letter, which has mysteriously fallen into my hands, pre-empts the concerns that we have heard during the debate about the Bill. He is torn. I think he genuinely wants to go further, but his Back Benchers are trying to rein him in. If we had a change of Government, would we see the targets driven forward? The hon. Gentleman says that the Bill goes far enough already. No one out there in the scientific community thinks so.

I shall give an example. Like the hon. Gentleman, I am not a scientist but I know some people who are. On 21 January four eminent scientists wrote to the Prime Minister. Two of them are former chairs of the Royal Commission on Environmental Pollution, who gave us the 60 per cent. figure in the first place, and the third is the current chair of the Royal Commission on Environmental Pollution. They wrote an astonishingly brief letter headed, "UK Climate Change Bill targets are based on out-of-date science" and they say—I quote just one sentence:

"In tackling the global challenge of climate change, governments must follow the latest science that clearly shows the need for the UK to reduce its CO_2 emissions by at least 80 per cent."

The last part of the sentence is in bold and is a simple, unqualified statement.

The Government's response throughout has been, "Maybe. We'll ask Adair Turner, if he has any spare time." The worry, however, is that even if Adair Turner and his friends come back with 80 per cent., the Government might not accept it.

Many Labour Members want 80 per cent., and I genuinely believe that there is support in all parts of the House. The hon. Member for Banbury supports early-day motion 736, which proposes an 80 per cent. target. But the Government's response to those who want the target has been to say, "We'll see what the Climate Change Committee says." If the Climate Change Committee proposes 80 per cent., we need to know that the Government will abide by it; otherwise, it is no reassurance at all.

That is my worry about what the Minister said. He was very clear and unequivocal, for which I thank him, but it alarmed me that his defence was, "We'll ask the committee." Even if the committee proposes 80 per cent., we might not get it, and that is not enough reassurance for me.

Barely can we open our newspapers without reading another report stressing the urgency of faster and deeper action than is in the Bill. Only last weekend, the Stockholm Network study said that on present policies we will miss our climate change goals in the United Kingdom and in the European Union. We need to go deeper, further and faster, but the worry is that we are relying on outdated science. If there were no number, there might be an argument. One might say, "The number is constantly moving," but the Government—quite rightly, in my view—decided to include a number in the Bill. If we are going to have a number in the Bill, it ought to be the right one, not the wrong one that everyone accepts is wrong but hopes someone will put right later. That should not be the basis on which we legislate.

We have already heard from the shadow Secretary of State for Environment, Food and Rural Affairs about some of the problems that will occur if we do not address climate change: the massive environmental migration, the flooding in some areas and the droughts in others, the impact on biodiversity and the poorest and most vulnerable people in the world being hardest hit. Because of that, and because I believe that many Members from all parts of the House are committed to going deeper, further and faster, we have today launched a campaign called CanvassYourMP.com, which is the reverse of the normal model whereby we canvass our constituents. The website went live today. Last week, I got together a group of—I feel a song coming on—10 green bloggers, sitting in a room here at Westminster, to ask, "How can we empower individuals who want climate change action but feel that they cannot get through?" They are the individuals who send the postcard and receive the standard reply from the parties, but feel that the message is not getting through.

CanvassYourMP.com has been put together by volunteers, and it is even hosted on a wind-powered web server, which is a nice touch. Every Member is listed on the site, and every Member's contacts details and surgery announcements are being posted. We would welcome to the site every Member from every party stating their position on the 80 per cent. issue. We want constituents to go in person, to talk to Members and to tell them about the issue. Many Members from all parts of the House support 80 per cent., and I would very happily put all their pledges on to the site. We want to get together a popular movement to convey to Ministers in particular the strength of public opinion.

Nigel Griffiths: I welcome the hon. Gentleman's contribution, but will he sign up to the campaign that I support, calling for wind generators both onshore and offshore? Will he repudiate all those Liberal Democrat Members and councils who get up a petition and oppose every single one of them?

Steve Webb: It is not accurate to say that Liberal Democrat councils oppose every single application. We have a process of local democracy, which is quite right and proper. I, like the hon. Gentleman, support an enhanced role for wind power, and I support his early-day motion 736. I congratulate him on tabling it. As of the end of today, with the exception of our party leader, who does not sign early-day motions, every single Liberal Democrat Member will have signed it. I congratulate the hon. Gentleman because the number of Labour Members who support its call for an 80 per cent. cut is 167; many of them are in the Chamber.

If all Members who have signed the motion vote for it, provided the Conservative party does what it did in the House of Lords on the 80 per cent. issue and abstains, we will win. That is an exciting prospect. If simply those Members who have signed the motion, plus ourselves, vote for it, and the Conservatives do not block the 80 per cent. target—I hope that the hon. Member for East Surrey will not try to do so—we can achieve it. It would be a fantastic achievement.

We have discussed the Bill's provisions on aviation and shipping. Hon. Members may have been reassured by what the Minister said, but if they look at the transcript they will see that it was not reassuring at all. One of the provisions on aviation and shipping is that the Government can come back in five years' time and tell us that they could not do it, as stated in clause 35(1)(b). Saying that they want to include aviation and shipping but might come back in five years' time and say that it could not be done is not terribly reassuring. Aviation is the most rapidly growing source of emissions—on some projections it could be the whole of what is left by 2050 if we get 80 per cent. cuts—yet the Government have that opt-out. That is profoundly worrying.

Mr. Gummer: Does the hon. Gentleman agree that the Government would be much more credible in this area if we saw them leading a real argument in the

[Mr. Gummer]

European Union by, for example, insisting that EU ports were able to insist on improved use of low-emission sea fuel, and that we should be leading the fight in the EU not to build new airports but to make better use of the old ones?

Steve Webb: The right hon. Gentleman is spot on; I absolutely agree. The Department for Transport's policy on airport expansion and our failure to give a lead in Europe are riding roughshod over Government policy in DEFRA.

We have talked about how much of the effort has to be made domestically. The Government have said how great it is that we have had all this parliamentary scrutiny, but most of the big changes are going to be taken out again. That is not my understanding of the meaning of scrutiny. The Government want to get through the whole Committee stage in less than two and a half weeks. We are told that this is the biggest issue facing the future of the planet, but two and a half weeks is supposed to be long enough to kick it around. This Bill needs serious scrutiny.

Members in the other place were right to come up with the limit on the extent to which we can buy in. We need an overwhelmingly domestic effort on cutting carbon emissions. As the Conservative spokesman said, quoting Scottish and Southern, there is a strong case for our taking the lead in this respect. In a different section of its briefing, it said:

"Emissions trading is a cost effective way of reducing emissions for countries who have difficulties in delivering their own emissions reductions, but the UK is blessed with the greatest potential resource of renewable energy in Europe".

In other words, there may be countries that cannot make the transition quickly enough and need to buy in from elsewhere, but we are not one of them. We have huge potential to do the job ourselves, to take a lead, and to be a great green-collar-job economy, but we are missing it. I understand that the Danish economy now gets more money from the sale of renewable energy and renewables than it does from selling bacon—unless the Danes are telling porkies, that is. There is huge potential in this area. The worry about buying in carbon reductions is that it means that money flows out of the UK, sometimes to schemes such as the clean development mechanism where there are concerns about their certification. We could be investing and locking ourselves into a low-carbon economy, yet we are putting off the evil day and potentially saying yes to new high-carbon technologies such as new coal-fired power stations. That must be the wrong route. The UK could be a leader instead of trying to buy its way out of trouble.

Mr. Woolas: I am listening to the hon. Gentleman's argument very carefully. I agree with his point, but the other side of the equation is how we ensure that carbon markets can transfer money and technologies to the developing countries to ensure that they can have prosperity and clean energy. What is his policy on that?

Steve Webb: That is an unnecessary either/or. We can establish the UK as a low-carbon economy, and over and above that, as part of our international development effort, invest around the world in certified renewable schemes—but not as a cop-out for not doing it ourselves. That is the difference between our position and that of the Government.

The Government want to water down other aspects of the Bill, including the reporting clause inserted by my noble Friend Baroness Miller. We will merely have Government guidelines and, no doubt, more consultation, when what is needed is urgent action. The Government are going to remove the clause on the Bill's stated purpose inserted by Conservative Members in another place and leave in a target that everyone accepts is out of date, and then think that the job has been well done. That is not our view of a job well done.

Adaptation has rightly been raised. It is welcome that changes made in another place on that issue will at last be accepted. We need to think much harder about the fact that climate change is happening and will happen. There is already a lot in the system; we need to respond to that and there needs to be proper resourcing for doing so, which all too often there is not.

It would be nice to be able to welcome the Bill unequivocally, but the problem is that we may lull ourselves into a false sense of security. We may think, "We've passed a Climate Change Bill; we've ticked that box", when in fact the battle is only beginning. That battle must be across Government—this must come from the top—and must involve bold, ambitious targets that are not just for 2050; the interim targets need to be raised proportionately as well. We need regular annual reporting, not merely the "not in my term of office" targets that can all too easily slip.

During the Bill's very short Committee stage, we will fight the Government's attempt to reverse the sensible changes made in another place, and when we return to debate it in this House we will certainly seek to increase the target to 80 per cent. I hope that every hon. Member who is approached by a constituent is able to see them to talk it through, and that the CanvassYourMP.com campaign will mobilise people across the country to ensure that we get what the majority of the British public want—a Climate Change Bill with real teeth that can really deliver.

5.56 pm

Dr. Gavin Strang (Edinburgh, East) (Lab): Surely no challenge facing the world today is more urgent than that of climate change. About 20 years ago, the Intergovernmental Panel on Climate Change was set up. I think that the IPCC reflects the scientific position in the world today, notwithstanding some of the comments that we have heard during the debate. The excellent assessment report that it published last year concluded that warming of the climate system is unequivocal, with many natural systems now affected. It reported that there is now greater than 90 per cent. certainty that most of the increase in global average temperature since the mid-20th century was caused by greenhouse gas emissions from human activity. The panel states that, with varying degrees of likelihood, human influence has contributed to a range of changes, including sea level rises, changes in wind patterns, a greater risk of heat waves, an increased area affected by drought and a higher frequency of heavy precipitation events.

The human, ecological and economic cost of doing nothing would be enormous. The Select Committee on Environment, Food and Rural Affairs, of which I am a

member, recently took evidence from Lord Adair Turner, who is still chair of the shadow Committee on Climate Change, whatever the future may hold. He put up a most impressive performance in front of my Committee, and it would be a great pity if he moves away from that position. He stated succinctly that a temperature rise of 3° C would be "really worrying" and that one of 4° C would be "very scary indeed." We can look to the IPCC report to see the outcomes that such temperature increases would bring. Many parts of the world would see coastal and flash flooding, while many would suffer from drought. Agricultural production would be severely compromised in many areas, especially in Africa, and species would face extinction. Of course, the poorest countries will be hit earliest and hardest by climate change, though they have done little to cause the problem.

The most important recent UK publication on climate change has undoubtedly been the Stern report. Lord Stern concluded that the economic damage done by failing to tackle climate change could, as the Minister said, rival the great depression and the world wars and would be difficult or impossible to reverse. The great achievement of Nicholas Stern's report was to show us that the benefits of strong, early action considerably outweigh the costs, and that if the investments are made wisely those costs will be manageable. Lord Stern found that the annual cost of stabilising greenhouse gas concentrations at 500 to 550 parts per million of CO_2 equivalent would be around 1 per cent. of gross domestic product by 2050—an economic price that is significant but manageable, and small relative to the costs and risks of the climate change that need to be avoided. As the science moves forward, we must consider whether it is enough for the world to seek to stabilise greenhouse gas concentrations at 500 to 550 parts per million of CO_2 equivalent, or whether we must aim lower still. The long-term objective must be to drive greenhouse gas emissions down to the level that the Earth can absorb. Lord Stern advised that that would mean a cut of more than 80 per cent. in the absolute level of current annual emissions. The UK has made progress against its targets, and the Government should take credit for our being on track to meet the Kyoto target.

We must also look at current trends and where they will take us. UK greenhouse gas emissions are no longer declining; our emissions have been on a plateau for the last few years, largely due to ever-increasing emissions from transport. If the UK is to do what is necessary to play our part in preventing catastrophic climate change, we have to take stronger action. There is a sense in the House today that we will have to go down that road—there has been an impressive consensus and the Minister showed great flexibility in opening the debate. He made it clear that the Government are prepared to listen, and the Opposition are also part of that consensus.

The Bill will enshrine our longer-term greenhouse gas emission targets into law, including the commitment to reduce CO_2 emissions by 60 per cent. by 2050. But the science has changed, and the IPCC report did not go into some of the risks that could mean that the situation is more serious than the percentages indicate—what have been described as feedback loops and tipping points. We could get to a point where things begin to accelerate and to get out of control. An example of a feedback loop given by scientists is the melting of the polar ice caps. At the moment, solar radiation and heat bounce off the ice and are not absorbed, but with the melting of the ice, the sun's heat will be absorbed by the darker water of the ocean. That adds to the problem by creating temperature rises, and more ice melts as a consequence. Such feedback loops mean that there is a worry that things could get less predictable than the IPCC's report suggests.

The maximum level of greenhouse gas concentration possible before the world is at significant risk of catastrophic temperature rise is lower than we previously thought. I am sure that many right hon. and hon. Members believe that we should commit to reducing emissions from 1990 levels by 80 per cent. by 2050. Reference has already been made to the fact that international aviation and shipping are excluded and I will not dwell on that. There is a will in the House that we must address the issue. It is complicated, but that is not a justification for not seeking to incorporate such emissions in our target. It will leave a huge hole in our approach if we do not do that, which is particularly the case in aviation. Shipping is also obviously a serious matter, but aviation emissions are growing rapidly.

As electricity generation is the UK's largest single producer of carbon dioxide emissions, I am sure that the House will want to consider the means of making our electricity production less environmentally damaging. In that context, we should welcome the statement by the Crown Estate last week that 11 areas of the sea bed around the UK are being designated for offshore wind turbines. There is a growing momentum behind the development of wind power, but we must not concentrate just on that. Other important renewable sources offer tremendous potential for producing energy, such as tidal power, sea barriers, solar and geothermal energy, which will all have to be exploited. We have to be prepared to encourage investment and to invest directly in the securing of more of our electricity from those sources.

The global use of fossil fuels is still expanding. Given the rapid growth in the number of power stations, especially coal-fired stations, in countries such as China, we need to have carbon capture and storage up and running urgently or we will have little or no chance of keeping temperature rises within tolerable levels. That point was made by Lord Adair Turner in his evidence to the Select Committee on Environment, Food and Rural Affairs. Here in the UK, coal is still the source of about a third of our electricity, and new plant is planned. It was a pity that the co-operation with BP on the carbon capture and storage facility at Peterhead did not develop, but it is important that Britain takes the opportunity to develop the expertise needed, which will be economically beneficial to us in the medium to long term. While the Government's competition for a full-scale demonstration plant for CCS is welcome, the winning plant will not be built until 2014, and even then the CCS element need not be fully operational. The response to the potential of CCS should be on a larger scale and of greater urgency. Given the associated higher costs, CCS will need ongoing support.

In conclusion, this is one of those pleasant days in the House of Commons when there is a consensus. We know that the Government have taken an important initiative, and people have acknowledged that, in a sense, they are a world leader. That is not to say that the Bill cannot be improved. There is a will in all parties to

[Dr. Gavin Strang]

improve it even more. As has been pointed out, very fairly, targets are important and we want to get them right, but at the end of the day, the crunch will come when we decide how to rise to the challenge of reducing our greenhouse gas emissions.

6.6 pm

Mr. Tim Yeo (South Suffolk) (Con): I draw the House's attention to my entry in the Register of Members' Interests.

It is a pleasure to follow the right hon. Member for Edinburgh, East (Dr. Strang), whose work on the Select Committee on Environment, Food and Rural Affairs is well known. I congratulate the Minister on his speech and on the way in which he handled a large number of interventions. He did so with the same courtesy and reasonable directness of response that he showed in his appearances before the Environmental Audit Committee, which I Chair. I congratulate the Government on introducing this measure, but the Opposition also deserve congratulations. Undoubtedly, they have helped to pave the way through the very strong support that my right hon. Friend the Member for Witney (Mr. Cameron) has given on this issue. I warmly congratulate the shadow Secretary of State, my hon. Friend the Member for East Surrey (Mr. Ainsworth), with whom I have done a sort of job swap during the past three years. I must say that I am very happy with the one I now have—I have more staff and better pay.

The worst job in the whole of politics right now must be to be Chancellor of the Exchequer to the current Prime Minister. In 1993, I was the Minister of State dealing with climate change—I am glad to see my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) here today, who was Secretary of State at that time—and it was almost the worst job, because climate change was not a mainstream subject then. If someone raised it at a dinner party, people thought that they were some sort of freak. Apart from scientists or paid-up green campaigners, no one had actually heard of it.

Martin Horwood (Cheltenham) (LD): I have respect for the hon. Gentleman as the Chair of the Committee of which I am a Member, but he may like to know that the Liberal Democrats already had policies on binding targets for reducing carbon emissions in those days.

Mr. Yeo: The results achieved by the Liberal Democrats at that time clearly show that they were regarded as freakish.

This Bill is very important, and it should help to maintain Britain's international leadership of the climate change debate. That leadership was of course established originally by Baroness Thatcher in her famous speech almost two decades ago. She was the first Head of Government of any serious country in the world to address the issue of climate change. That leadership role has been maintained under successive Governments of both parties. What has changed since 1993 is our understanding of climate change. It has been transformed. The science now makes it clear, in a compelling way, that the threat is far bigger and more urgent not to the planet, which will certainly survive, but to the survival of a recently arrived species on the planet—human beings.

The economics are also better understood. I pay warm tribute to Lord Stern, whose report has helped to maintain Britain's influence on the subject internationally. His report shows that action today would be far cheaper and more cost-effective than action taken in five or 10 years' time. I welcome the Bill, and I shall comment on one or two of its detailed provisions in a moment. First, it is important to remember—in the spirit of cross-party consensus, I think that the Liberal Democrat spokesman made this point—that in passing the Bill we must not ignore some other rather uncomfortable facts, one of which is that Britain, in common with every other country in the world, is not even remotely near achieving the sort of pathway towards the extent of greenhouse gas cuts necessary if we are to get anywhere near meeting the targets in the Bill, let alone those that may be decided necessary in future. In energy, transport and the built environment, low-carbon technology is available but not used. We clearly need more low-carbon electricity generation, but it looks as though Britain will build a new coal-fired power station before a new nuclear power station. That is extraordinary. We need more incentives to encourage distributed generation, such as micro-combined heat and power and so on. Huge opportunities are still being ignored.

On surface transport, low-emission cars and trucks are available today, but the incentives to switch to them remain grossly inadequate. While other countries, such as France and Spain, have or are rolling out high-speed rail networks, Britain builds new airports and does not invest in the sort of high-speed rail links that would transform our domestic transport industry.

Colin Challen: I, too, am a member of the hon. Gentleman's Committee. I am pleased to serve under his leadership, as I was pleased to serve under that of his predecessor. However, he is wrong to say that we are not offering incentives for low-carbon transport. I drive a Smart car, which is taxed at £35 per annum—£100 less than I used to pay for a larger vehicle. Is not that an incentive? Does he believe that his party should be a bit clearer and more focused, and support our changes to vehicle excise duty?

Mr. Yeo: I am delighted to respond to the hon. Gentleman, who is a close and highly valued colleague on my Committee. I strongly support—and have consistently supported—a switch to much higher VED rates for new cars. That is a direct incentive when people replace their vehicle for them to switch to a low-carbon alternative. I believe that my Front-Bench colleagues share that position. We believe that the changes that the Chancellor announced this year for new vehicles are fully justified and will provide a strong incentive. I am delighted that the hon. Gentleman drives a Smart car. I am happy to say that I have a liquefied petroleum gas taxi parked in the Members' car park. It is not only cheap to run but free of the congestion charge.

Energy efficiency standards for the built environment are being tightened only slowly. Incentives to decarbonise the existing housing stock and, indeed, other existing buildings, are notable by their almost complete absence. Again, the technology is available.

The three sectors—electricity generation, transport and the built environment—account for a huge proportion of emissions. We could take steps today, with no disruption to people's lifestyles and little cost to the overall economy, even in the short term, and some benefit in the long term, to increase greatly the change to a low-carbon economy, but we are not doing that.

I am delighted that the Minister shares my view of the importance of the interim target. What we do between now and 2020 is far more important than arguing about whether the 2050 target should be 60 per cent., 80 per cent. or even 95 per cent. The next decade or so will define whether we limit the global temperature rise to an average of 2° C. If we do not make progress soon, the action needed will be far more expensive, disruptive and uncomfortable for people in all parts of the world. I will seek to toughen the 26 per cent. target for 2020 in clause 6.

I want to endorse the concerns about the continued exclusion of aviation and shipping from greenhouse gas calculations. That makes no sense. The arguments have been well rehearsed. I know the answer on aviation—it will come into the EU emissions trading scheme in due course—but we have no idea about whether the date that the Minister has in mind will be achieved or the terms on which aviation will be included. It is all pie in the sky at this stage. We should make a commitment in Britain to take a lead and say that aviation and shipping should be included.

A great deal of faith has been placed in the wisdom of the Committee on Climate Change and I hope that it lives up to it. I was dismayed when I read of Lord Turner's appointment to the Financial Services Authority. In conversation last week, he told me that he does not expect to stay on as chairman of the committee beyond next February. That is a pity, although he may remain a member. I hope that the Government will give their urgent attention to finding a replacement who commands the same respect in business and politics. In a spirit of bipartisanship, perhaps the Government should consult the Opposition about the appointment of a successor. Indeed, my Committee would be happy to make some suggestions, too.

Although I acknowledge that Britain must decarbonise its economy, the overriding need in the next decade is to cut emissions globally. The benefit to the planet is equal from any cut in emissions, regardless of where it is achieved. I am therefore much more relaxed than some of my colleagues in this House and the other place about letting developed countries buy, in the short term, carbon credits to meet the targets abroad. That may be the fastest and most cost-effective way to cut emissions.

My hon. Friend the Member for East Surrey was measured about personal carbon trading when it was raised in an intervention. He knows that I support the concept and that my Committee has just published a report about it. I was dismayed that the Government appear to have dropped their interest in the subject. The previous Secretary of State, the right hon. Member for South Shields (David Miliband), was positive and engaged in the debate about it. I regret that the Government have put it on the backburner. At the very least, it is surely worth examining in more detail. It is complicated and has some difficulties, but it could be the single most powerful incentive for individuals to make low-carbon choices in a range of daily decisions.

I strongly support the Bill because it is good for Britain and the world. Countries at the forefront of tackling climate change do the right thing not only environmentally but economically. Decarbonising our economy, especially our transport infrastructure, will give Britain a huge competitive advantage. It is not some terrible burden that we have to bear, but something that will give us a head start economically. It is right to encourage and incentivise businesses to offer their customers low-carbon alternative products and services. As long as the regulations involved recognise the industry's investment, even forcing them to make that switch could be beneficial for business.

I will not only support the Bill but try to strengthen it, though I wish to make it clear to the Whips that I do not want to do that as a member of the Public Bill Committee—I will reserve my strength for Report. I warmly commend the Bill to the House.

6.17 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I welcome the Bill, especially the contribution made to it by hon. Members through the Joint Committee on the draft Bill and the reports of the Environmental Audit Committee and the Environment, Food and Rural Affairs Committee. I also welcome the contribution of the many non-governmental organisations and of the scientists who have informed the debate so far. It is right that scientists are at the forefront of the evidence base for what we are setting out to achieve.

Instincts also go a long way, and I especially thank the local climate change panel that advised me and helped me to contribute what I hope were informed comments to some of the early consultation stages that led to the Bill. The panel includes scientists and someone who works for the South West Observatory, which is based at Plymouth university. It is helping to prepare our public organisations and services to do what they will have to do to help us meet the targets that the Bill introduces.

At a Commonwealth Parliamentary Association seminar, I heard Jonathon Porritt, who has given good service on our regional development agency, put the case with the greatest clarity. He talked about canaries in the mine. For me personally, the urgency of the position hit home when he made that speech. He spoke about the melting of the permafrost in Siberia, the Arctic sea ice and the Greenland ice cap; the CO_2 absorption rates in the oceans and ocean acidification; and the drying up of the Amazon rain forest. There are many more examples that one could list. People understand and want to learn what to do, and the Bill will, I hope, set the framework for encouraging them to take action constructively and change behaviour in a way that will make a difference.

Plymouth is well blessed with scientists in both the health and marine sectors. I am particularly grateful to the Royal Society for the opportunity to link up with a Royal Society fellow, Dr. Richard Kirby, and learn about his work on the long-term plankton data set, which is held by the Sir Alister Hardy Foundation for Ocean Science. That also helped me to get my head round the important role that the oceans play. We talk about climate change, but 71 per cent. of the earth's surface is oceans. The complexity of the feedback systems,

[Linda Gilroy]

which are discussed in many arenas, is infinitely greater in the world's oceans and give increasing cause for concern.

There are still some who say that the increasing scientific consensus is a conspiracy, but in my experience scientists are cautious and like everything to be peer reviewed. Increasing numbers of the scientists whom I know locally have come up to me over the past year and quietly said, "Linda, we really are worried about what is happening. Urgent action needs to be taken."

The Bill will prove to be just in time, but it is important to get it right. We are, of course, not the first to legislate on such matters, but the comprehensive nature of what is set out in the Bill is unmatched and is set to provide a framework that others will come to use. It is therefore important that the Bill is workable. Never, perhaps, has it been more important that legislation should be of the highest quality.

The path to where we are today has shown how difficult the challenge for everyone is. Our delivery of emissions reductions has been challenged by the growth in our economy and our prosperity over the past decade. Growth in countries such as India and China will make it difficult to arrive at a post-Kyoto settlement, and our challenges will probably pale into insignificance. The Bali conference and beyond means that we need to succeed in establishing something that works and that engages across all sectors. Hon. Members have already talked about the need to tackle the issue across the piece, from the energy used in business and the home to transport, including shipping and aviation.

Bald targets do not always do that, however. Ones that have been carefully crafted and fully examined, and take the realities of implementation into account are far more likely to deliver. A lot has been said about 60 versus 80 per cent. I would be surprised if the Committee on Climate Change did not recommend tightening the reduction, for the reasons that my right hon. Friend the Member for Edinburgh, East (Dr. Strang) outlined. Indeed, he quoted Adair Turner himself saying as much to the Select Committee on Environment, Food and Rural Affairs.

The debate about annual targets has moved on, recognising their limitations. The provisions in the Bill dealing with annual reporting to Parliament and the consequences of any slippage are very important in that context and should rightly engage hon. Members considering the Bill in Committee.

I greatly welcome what my hon. Friend the Minister said about a stronger commitment in the Bill on aviation and shipping emissions. I take that as representing the Government's confidence that the work that we have been doing to bring about an EU emissions trading scheme as soon as possible, hopefully to be followed by an international trading scheme, is going well.

Finally, I want to touch on the media. The hon. Member for Northavon (Steve Webb) said that one has only to read the papers to find stories setting out the alarming situation that we all face. However, Maxwell Boykoff and Maria Mansfield of the environmental change institute at Oxford university have conducted some interesting research on the reporting of the human contribution to climate change in the UK tabloid press. They have examined the coverage between 2000 and 2006, and shown that it diverged from the scientific consensus. Although the scientific consensus on the challenges that we face became stronger over the period discussed, the tabloid papers did not reflect that; indeed, reporting diverged from that consensus. From interviews conducted as part of that research, Maxwell Boykoff and Maria Mansfield suggest that inaccurate reporting may be linked to the lack of specialist journalists.

I am not sure how the provisions in the Bill could help to change that situation, but change it should. I hope that the further consideration of the Bill in Committee will at least encourage a better understanding, but that will happen only if the debate from here on is responsible and does not run away from the political leadership that is necessary to avoid people being put off by the unnecessary fog of political game-playing. I am referring specifically to the labelling of difficult decisions, which will be unpopular but necessary, as stealth taxes. That also applies to becoming too distracted by the argument about setting the target at either 60 or 80 per cent.

The Copenhagen conference in 18 months' time will be stronger, better informed and more likely to arrive at realistic and effective decisions that are in our interests and those of the world in which we live if we get this Bill right.

6.26 pm

David Maclean (Penrith and The Border) (Con): I rise to support the Bill. I want to concentrate my remarks largely on clause 11, paying particular attention to the international matters that the Secretary of State must take into account when setting carbon targets; and on clause 13, which states that any proposals and policies prepared to meet our carbon budget should "contribute to sustainable development". If I have time, I shall also say a little about waste reduction. I mention that to ensure that I remain in order when I mention the passionate subject of rain forests, which are part of the overall sustainable development plan and play a key role in dealing with climate change.

It is almost 16 years to the day since I last addressed this subject. I quote from *The New York Times* of 7 June 1992:

"Diplomats attending the Earth Summit said today that they had achieved a broad consensus in favor of setting up a high-level watchdog group to insure that governments respect the pledges they make here...'There is growing acceptance that the follow-up to the Rio summit should be entrusted to a Sustainable Development Commission,' said Britain's Environment Minister, David Maclean, a leader of the push for the new agency. 'It will be a forum for peer pressure that will identify gaps and problems.'"

I quote that because I want to emphasise to the Government that concern about climate change did not start in 1997. With the nicest will in the world, the Government tend to think that all history began in 1997. However, in 1992 I had the privilege of leading for the Government at Rio, doing most of the negotiations until, as usual, the Prime Minister arrived in the last few days to sign up to all the things that we had agreed.

A few weeks later, I had the privilege of speaking on behalf of the European Community at the plenary session of the United Nations General Assembly, where I said:

"Unless we proceed rapidly to the implementation of the progress we made in Rio, the hours we spent on negotiation will all be for naught."

I went on to describe

"the progress made within the EC towards implementation of the commitments made in Rio. At the European Council in Lisbon after the Earth Summit,"

we

"committed to an eight-point plan including: stabilizing CO_2 emissions at the 1990 level by the year 2000; ratification of the Climate Change Convention by the end of 1993; early ratification of the Convention on Biological Diversity; preparation of national biodiversity strategies; an international review process for the statement on forest principles by the CSD; and EC support for the establishment of an Intergovernmental Negotiating Committee".

Again, those matters were all set up before we had the Kyoto protocol. Of course we support what was achieved at Kyoto, but I remind the House once again that the previous Government were there; we got the T-shirt about cutting carbon emissions long before many people realise.

When I reported to the UN, I was very keen that we adopt the schedule on forest principles that was devised at Rio. I hope that we are successful in meeting our targets. I will not enter into the debate—I may not be fortunate enough to serve on the Committee—about whether the target should be 60 per cent., 80 per cent. or even 100 per cent. What came across strongly to me at the meetings I held at Rio as a new Minister in the then Department of the Environment was that the G77, incorporating our Commonwealth links, and the G7, including our American friends, depended on Britain as the key player to help persuade others. Britain played a key role. We still have the lead and are internationally respected on these matters, and we must not lose it. What came across to me loud and clear was that many of the principal nations of the G77—China, India, the tiger economies—believed that climate change was an excuse for the developed world to hold them back. They said, "You only want us to sign up to these binding targets so that you, the western world, can maintain your primacy in development and we, the third world, will not be allowed to catch up." Many of them made it very clear that they would sign up to climate change measures only if we, the developed world, would give them something in return. It struck me then that we had to do more on carbon sinks, afforestation and reafforestation.

I understand that part of the mechanisms in the Bill will provide for carbon credits and the marketing of carbon sinks. Some of the argument for carbon sinks has fallen into disrepute, perhaps because some of the carbon sinks traded as credits are not genuine or viable. There is nothing moral or right about cutting down millions of hectares of Brazilian rain forest, Papua New Guinea forest or forests in Malaysia and Indonesia to plant millions of acres of palm oil in order to produce biofuels. Those are not genuine carbon sinks. I totally support the trading of carbon credits for pristine, virgin rain forests, as I am desperately concerned that we are losing biodiversity at an alarming rate. That is also part of the Bill's aims, although it is not specifically mentioned. Sustainable development is, I suppose, as close as we come to maintaining biodiversity.

Mr. Gummer: Does my right hon. Friend agree that trading is the mechanism by which the rich countries can ensure that the poorer countries can grow in a more environmentally friendly way? It is a debt that we owe them because we caused the problem in the first place; we have grown rich on the pollution that we caused.

David Maclean: My right hon. Friend is absolutely right. Of course we must aim for a lower carbon economy in this country; of course we must reduce our own carbon use. However, I agree with my hon. Friend the Member for South Suffolk (Mr. Yeo), the Chairman of the Environmental Audit Committee, that it is not enough for Britain to meet its target when we produce just 2 per cent. of the world's carbon dioxide. Unless we do something for China, India and the developing countries, they are not going to sign up to lower carbon emissions. It is a long time since I negotiated with Environment Ministers from those countries and perhaps the mood has changed, but I suspect that many of them still regard the climate change debate as a western plot to hold them back. They are certainly not going to meet the targets that we are imposing on ourselves, but that is not to say that we in Britain should not accept those targets. Of course we should show leadership, but let us be in no doubt that many of the largest polluters—not even to mention the United States—are not going to accept the targets set out in the Bill. We must have a valid carbon trading credit mechanism and it is crucial for it to be sustainable. There is so much more that we can do to help the developing world by carbon trading so that we can keep the essential biodiversity that we need.

I am not going to enter into arguments with my hon. Friends about whether the Amundsen sea embayment is retreating at 1 m or 0.7 m a year. Clearly, there is a serious depletion of ice in both the Arctic and Antarctic ice caps. I will leave others to argue whether it is temporary and whether it is caused by sunspots or by CO_2 emissions. What concerns me is that we are clearly losing our rain forests; we are losing the lungs of the earth, and we should be doing much more to ensure that we keep them. I would be perfectly happy if, in order to keep those rain forests, we needed to help by forcing our big companies to cut back on some of their carbon emissions—and if they cannot cut back more than a certain level, there should be a carbon trading credit scheme so that money is given directly to the parts of the world with the rain forests.

I had no idea how serious was the loss of rain forest in Papua New Guinea. Why does it matter if that country loses its rain forests? Could it not plant date palms instead? Well, Papua New Guinea has between 6 and 8 per cent. of the world's biodiversity. Yes, we can show emotive pictures of polar bears struggling to find icebergs to sit on, but my key worry is not so much for the polar bears as for the bumble bees. If we were to lose some of the less cuddly species such as insects that pollinate, one day, the world would actually starve.

We are heading for world food shortages and goodness knows how that is going to pan out. I had the privilege of meeting the Secretary of State to discuss this matter recently; he was kindly meeting many colleagues from all political parties. I was impressed with how he was switched on to this item. I hope that he makes a speedy recovery.

In addition to building measures on climate change into the Bill, we have a golden opportunity to tackle the problems of loss of biodiversity and to make for a more sustainable agriculture throughout the world. These are not matters that I can deal with in a Second Reading speech today, but the Bill does not preclude them. I would like to explore further with the Government,

[David Maclean]

perhaps on Report, what other matters they intend to take into account in clauses 11 and 13. The proposals and policies must, taken as a whole, be such as to contribute to sustainable development—and I understand that to mean sustainable development throughout the world, not just in the UK. I hope that we are able to explore the Government's intentions further at that stage. Yes, it is vital to do all the things that the Bill provides for, but we must also keep an eye on the rest of the world.

In the 30 seconds left to me, let me say that this Bill is too important to allow it to be polluted by policies on waste reduction and recycling that are to be implemented by five target councils in the country. Too many of my constituents and I are getting a bit cynical about the policies of recycling. We do not mind doing the council's dirty work for it—I do not mind recycling by putting my plastic in one box and my glass in another—but I do not expect to pay the same community charge without getting a better service. I am happy to recycle everything, including polystyrene, but if we are to go down that route, local authorities must not charge us for things that they cannot do themselves.

6.38 pm

Colin Challen (Morley and Rothwell) (Lab): I, too, welcome the Bill, which shows genuine leadership on climate change. Indeed, that leadership has brought about a degree of consensus in the House. I welcome the Bill because it imposes a legal duty on the Government to continue to work on the mitigation of climate change, even when in future we may encounter more political pressure for adaptation: the two should not, of course, be juxtaposed. We all know, however, that if we told constituents that we were going to solve their flooding problems by putting up a wind farm, they would laugh in our faces and demand immediate action—on the grounds of adaptation—to address their particular concern.

I welcome most, if not all, of the amendments made in the other place. They have strengthened the Bill, but it needs further strengthening. In saying that, I refer Members to the words of Dr. James Hansen who, as many will know, works for NASA at the Goddard space research centre. He said:

> "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and ongoing climate change suggest that CO_2 will need to be reduced from its current 385 ppm to at most 350 ppm."

At the moment, the Bill is predicated on business assumptions that will take us well over 550 parts per million and possibly into the region of 700 parts per million CO_2 equivalent in the atmosphere.

Many Members have referred to budgeting to deal with this most serious problem. Bearing in mind such extremely serious figures, I also refer Members to work done by the Tyndall Centre, which has contributed a wealth of information to us, including to the Environmental Audit Committee. It has calculated that if we wanted a pathway that stood even a 30 per cent. chance of not exceeding the 2° C threshold, the UK would have to cut its total carbon emissions by 70 per cent. by 2030 and by about 90 per cent. by 2050. That illustrates the seriousness of the issue of cumulative concentrations of CO_2 in the atmosphere. If we cannot grip the problem early, we will lose out in the long term. Although I support much tougher long-term targets, from which we can back-cast and figure out where we need to be eventually, early targeting and cuts must bite into the cumulative target-setting process.

Clause 3 refers to the Royal Commission on Environmental Pollution report, "Energy—the Changing Climate", published in 2000, which is seen as a base point for our thinking on climate change. Adoption of the contraction and convergence model was implicit in that report. Some Members might think that I sound a bit like a cracked record, but it is worth stating—the hon. Member for Northavon (Steve Webb) touched on the matter briefly—that one cannot arrive at a figure, whether 50, 60 or 80 per cent., without a distribution of the responsibility for tackling climate change. We cannot simply say that the science tells us that the globe must have an average cut of, say, 50 per cent. by 2050, and that that just happens to be our share. We should ask how we arrive at our share. The RCEP report in 2000 considered the various options, calculations and methodologies, and concluded that contraction and convergence were the most elegant and most likely to succeed.

"Contraction and convergence" is not a phrase that the Government like to use much. I suspect that the reason for that is that one does not necessarily want to set out one's entire stall before going into an international negotiation. Just as we are showing leadership with this Bill, and taking action before any other Parliament in the world, we should go to Poznan later this year, and Copenhagen next year, and back the implicit principle that underpins our Bill. If people ask us what the report says, and we scratch our heads thinking, "We can't mention contraction and convergence, which underpins our whole thinking, as that might reveal our hand," we will not follow through the leadership that the Bill represents.

Thankfully, many more people than perhaps even a year or two ago are coming round to such a way of thinking. Tony Blair now talks about per capita emissions rights being equalised, possibly at 2 tonnes per person globally, although it depends on the rise in global population. Nick Stern, who said in his report that he could not quite get his head around contraction and convergence, now talks about a pragmatic right to the equalisation on a per capita basis of emissions. In January this year, the Prime Minister went to India for the UK-India summit and agreed with the Indian Government that the principle of convergence is very important and deserves serious attention. In Australia, Professor Ross Garnaut, who produced his interim report on climate change on behalf of Prime Minister Kevin Rudd, also strongly supports the contraction and convergence principle, arguing in favour of per capita rights to greenhouse gas emissions around the planet.

It is time that we urged the Government to consider the principle once again, and to make clear in a new clause in the Bill their methodology for arriving at a figure. Until they produce their methodology, they will always be open to the accusation that they are plucking figures out of thin air. If they do not do so, the independent Climate Change Committee, if it is to be asked to bring forward figures, should be under a duty to produce its methodology.

The Bill provides for a duty, but how will we know that it is being taken seriously? The Bill does not provide the means for delivery. A new clause should also be introduced that requires the Treasury to report annually on the effort of UK plc to deliver on the targets under the Bill. As we know, Nick Stern said that it will cost less to avoid the problem if we spend a bit now. In his report, the actual figures—working on the basis of up to 550 parts per million—are that spending 1 per cent. of GDP now might avoid 5 to 20 per cent. of damage to GDP down the line. As I said, that 1 per cent. is predicated on a possible 550 parts per million concentration in the atmosphere. If we are talking about a 2° C limit on the increase, many people now know that 550 parts per million is totally over the top. A 4° C or even 5° C increase is more likely. The Government were presented with that science in Exeter, before the Gleneagles conference.

Clearly, we should be considering a greater spend. According to Nick Stern, if we wanted to aim for between 450 and 500 parts per million, the cost would be 3 per cent. of GDP. In 2006, when his report was published, that would have been nearly £40 billion—obviously, 1 per cent. is about £13 billion. Have we spent anything like £13 billion, year on year, on tackling the problem? No, obviously not; not even half that, I suspect, although working out what we spend is extremely complex—is it a gross or net figure?

The Treasury, not the piddling Department for Environment, Food and Rural Affairs—not my words, but those of the hon. Member for Northavon (Steve Webb); I do not necessarily agree with his assessment, but it is certainly not an assessment that one could make of the Treasury, the least piddling Government Department—should have a duty under the Bill to report annually on the effort of UK plc to deliver on its targets. I hope that other Members will join me in supporting that principle on Report.

With that couple of small caveats, I very much welcome the Bill and hope that it will proceed with all-party support.

6.47 pm

Mr. John Gummer (Suffolk, Coastal) (Con): I refer the House to my declaration of interest.

This is one of the most exciting times to be living, simply because there is a bigger change in the way that human beings look at themselves and the rest of the world than has occurred perhaps since the renaissance. First, we cannot treat the world, even in thought, as if we were an imperialist nation, which is what we have always done, ever since people lived in a fort on a lake-village or in the next-door lake-village. Today, we know perfectly well that we must answer a global problem with a global answer. Secondly, this is the first time in history that social justice has become a practical necessity, and not merely a philosophical concept, if we are to achieve our ends.

The United Kingdom therefore has a special responsibility. We caused much of the climate change happening now. We might only produce 2 per cent. of the emissions now, but the current climate change is derived from our contribution when we were the leading industrial nation. Also, throughout the world, our companies produce between 12 and 16 per cent. of current emissions.

Mr. Peter Ainsworth: My right hon. Friend has just made the point that I was going to ask him about. Has he seen the research by Dieter Helm and others about the impact of CO_2 produced by other countries who make things for our domestic market?

Mr. Gummer: Indeed. That is another aspect of our being one world in a practical sense, rather than just in theory.

What we must do about climate change is very much in line with what we must do anyway in a world that is living beyond its resources. When there are more middle-class people in India than there are in Europe, as is the case today, demands on resources are such that we must find a way of living more leanly. We must also be honest about the need to follow the best science. Conservative Members and others will argue that this or that scientist does not agree with what is being said, but such an approach is rather like trying to judge Christianity by what the Jehovah's Witnesses say. It is not a sensible approach if our aim is to make a real assessment of the views of those who actually represent the best science.

We should see this as an opportunity, not as a threat. The Minister may have heard me say earlier that I was prepared to support the Government's proposals for public transport in Manchester, and I hope she will not think it unfair when I say now that there are many instances in which the Government have not led, in factual terms, the life that their theory leads us to believe they ought to lead. For instance, this is a Government who clung to the dark ages in fighting to retain hydrofluorocarbons against the wishes of other members of the European Union. This is a Government who have still not introduced smart metering. This is a Government who had no energy policy at all for 10 years, which is why we are so late in producing nuclear power. I look forward to having Sizewell C, but I would have liked it 10 years ago, and I would have liked a planning system that enabled my constituents at least to express their views about a new road, if we are to have one.

It is hard to take the Government's green credentials seriously when they want another runway at Stansted, and do not recognise that one in five flights from London are to places which, in terms of time, are equally well served by trains. That is not a sensible way to deal with aviation.

This is also the Government who introduced eco-towns, which are neither "eco" nor proper towns. They have no proper credibility in terms of sustainability, because they do not accord with any modern concept of a sustainable town. Again, the Government have used a phrase that makes it difficult for us to oppose what they are doing. I know exactly what they will say: they will say "He cannot be very environmental, because he is against eco-towns." I would be in favour of eco-towns if "eco" and "town" meant what they seem to mean, just as I would be in favour of a climate change levy if it had anything to do with climate change.

The independent Committee on Climate Change will have to bring home to the Government the fact that we cannot undermine our environmental reputation by introducing taxes that we pretend are green when in fact they are not. No taxation can be called green unless it either replaces some other taxation, or has a direct effect that will lead to more green activity. There must be a justification for taxes: if we do not have that, we

[Mr. Gummer]

shall undermine everything in which we believe, which is why the independent committee is so important.

I hope the Government have noted that the independent committee will have just as strong an effect on the Opposition as on the Government. If the Opposition wish to tell the Government that some rather uncomfortable decision must not be made, they must provide an alternative. They cannot simply attack the Government; they must reveal what they would do. That will be true of the next Opposition as it will be true of the next Government. When we change sides, we shall both be caught by the committee, and it is right for that to happen.

I hope that the committee will recognise the importance of thinking in terms of rewards rather than penalties. I do not think the Government are right to believe that the way to encourage people is to punish them. The way to encourage people is to give them the information that they need, which is why I think that smart metering is vital. If someone has to climb under the stairs to find the meter and it then says something in kilowatt hours that they do not understand, it will not affect the way that they behave. The Government must acknowledge that smart metering is a crucial part of providing what we need to provide—information—and also that it is important to encourage people.

The Government must show people in this country that encouragement is continuous and not short-term. The Treasury must specify the long-term parameters by which British industry can meet the demands of climate change, and provide British industry with the leadership that will put us in an economically favourable position. That cannot be done by a Government who are not prepared to introduce long-term tax breaks.

There are two more ways in which the Bill can help us. Many of my colleagues have mentioned the need for action to be taken quickly and urgently. The more we do now, the better it will be. The cost of now is considerably less than the cost of tomorrow. We need annual targets, because that is more important at this end than long-term targets rising from 60 to 80 per cent. I am an 80 per cent. man—I have no problems about voting for that, and the Government should not think that Tories will not vote for it—but it is not the most important thing. The most important thing is what the Government do between now and the election, and what the next Government do between that election and the one after that. If we constantly establish targets that are beyond the period of a Parliament, Governments will put things off. I am cynical enough to believe that that is an all-party comment.

This needs to be a world issue, and we need to show leadership. I speak not in a spirit of party political argument, but simply in a spirit of trying to get things done. We cannot take seriously any Government who do not use the European Union, and lead it to take the steps for shipping and aircraft that the Government should have taken but have left for far too long. We cannot take seriously a Government who are not seen to be on the front foot in every international negotiation, rather than looking as though they are being dragged into everything.

I have considerable respect for the Minister for the Environment, but it is a great pity that he did not begin his litany with the information that this is an all-party operation. It was begun by Mrs. Thatcher, and subsequently my right hon. Friend the Member for Witney (Mr. Cameron) fought for a climate change Bill when the Government were saying that they did not want one. The Liberal Democrats, the Conservatives and Friends of the Earth had to launch a joint battle to persuade the Government to change their position. Now that they have changed it, can we all stand shoulder to shoulder and make it work?

If we are to make it work, we need two key things. First, we need targets that are immediate, and that is why I think that annual targets are important. Secondly, we need a system of trading that enables the rich countries to help the poor ones to play their part. We cannot say that this is putting off our duty, for it is the only mechanism whereby we can meet the need for social justice, without which there will be no ability to beat climate change. Climate change makes us one world: it gives rise to a global demand for a global solution. The people of Britain and all the rich countries will have to recognise at long last that social justice alone will deliver.

6.59 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): Along with everyone else, I strongly welcome the Bill. I also welcomed the patient and skilful manner in which it was introduced by my hon. Friend the Minister.

The latest figures show that greenhouse gas emissions have fallen by about 18 per cent. since 1990, although carbon dioxide emissions have marginally increased in several years during the last decade. There are two important caveats: first, that—as many people have said, and as the Prime Minister acknowledged in a speech on 19 November last year—the reduction required by 2050 must be at least 80 per cent. rather than 60 per cent. if there is to be headroom for developing countries to expand their economies while keeping within the overall global 2° C increase limit, which scientists say should not be exceeded without risk to the planet. On that basis, I draw the sobering conclusion that an 80 per cent. reduction by 2050 requires an annual reduction in emissions of at least almost twice the rate of the past two decades.

The second caveat is that—as, again, many have said—the Bill ignores the UK's share of international aviation emissions, which Department of Trade and Industry figures show already account for 12.5 per cent., or one eighth, of the total UK impact on global warming. Indeed, I regret to have to say that because the Government are proposing to triple airport capacity, the Environmental Audit Committee calculates that by 2050 UK aviation emissions—let alone UK shipping emissions—might amount to almost half of all UK emissions. In introducing the Bill, my hon. Friend the Minister questioned the practicalities of including that data. I say to him that it would be entirely practical to include international aviation emissions in the Bill: the UK already reports on them regularly under the Kyoto protocol, and the Department for Environment, Food and Rural Affairs has figures dating back to 1970 on how much fuel has been taken on board at UK airports.

However—and this is where I disagree with some Members' contributions—even if aviation emissions are included in the Bill, another loophole still needs to be closed. At present, the Bill allows 100 per cent. of

emission reduction targets to be met by buying carbon credits from abroad rather than by reducing emissions in the UK. I am in no way against using genuine carbon credits that have been earned abroad promoting clean development in other countries, but this is a question of balance, and there are two relevant arguments. One is that, unfortunately, the purchase of carbon credits overseas is sometimes open to highly dubious manipulation over the vexed issues of additionality and baselines; they are complex and can easily be manipulated, and there is clear evidence of considerable abuse. The second argument, which is the clincher, is that we will succeed in stopping climate change, or the worst effects of it, given the stage we have now reached, only if we in the west, who are primarily responsible for it as a result of our industrialisation over the past two centuries, can persuade developing countries—largely China and India, which alone have two fifths of the world's population—that we are serious about tackling climate change. Buying all our credits from abroad simply will not persuade those countries that we are serious if at the same time we are taking an unsustainable path in our own country. That will produce only cynicism and resistance.

The fact is that the rich countries, with approximately 18 per cent. of the world's population, are responsible for 54 per cent. of global emissions—three times our due share. Until that is dealt with, we will simply not get international co-operation, without which the entire climate change problem cannot be solved. We are 1 per cent. of the world population and account for 2 per cent. of global emissions. Even with Europe, we are a small part of the picture. This has to be global, and we have to persuade the rest of the world that we are deadly serious about tackling the problem.

Mrs. Madeleine Moon (Bridgend) (Lab): Does my right hon. Friend agree that one of the ways of convincing the newly emerging industrial countries that we are deadly serious is by sharing our new technology—by not holding it close to our chest, and by not holding on to patents, but by sharing them?

Mr. Meacher: I entirely agree, and I think that we could do a great deal more. There is a lot of talk about China starting two new coal-fired power stations every week. The best way of dealing with that is through the technology of carbon capture and storage. The problem is that there is probably no prototype anywhere in the world, and we need to do a great deal more than simply talk about this. I agree in principle, however.

Mr. Gummer: Does the right hon. Gentleman agree that we could start by not building a coal-fired power station at Kingsnorth without that technology? We might set a bit of an example, while we are about it.

Mr. Meacher: I entirely agree—and, as so often, the right hon. Gentleman anticipates something I was going to say a little later.

We should in this Bill impose a reasonable limiting cap on the buying of carbon credits abroad to meet UK emission targets. Indeed, that was precisely one of the caveats that led a United Nations human development report issued in the last year to say:

> "If the rest of the developed world followed the pathway envisaged in the United Kingdom's Climate Change Bill, dangerous climate change would be inevitable."

That is a very sobering reminder. This is a good Bill, but it is certainly not ambitious enough.

That sober conclusion is given additional force by the fact that the Climate Change Bill is only a part, and probably a small part, of the UK's overall strategy to combat climate change, and the rest of the strategy needs to be reviewed to see whether it is fit for purpose. I thought that some of it was now being brought into line. I thought that the Government accepted the amendment in another place providing powers for the Government to introduce mandatory reporting standards for carbon emissions by business. The need for that is overwhelming, as is shown by the carbon disclosure survey, which found last year that fewer than half of the FTSE 350 companies provided quantitative emissions data. Support for mandatory carbon reporting now comes from the CBI, the Aldersgate Group and a wide range of leading blue-chip companies and leading investors. Following my hon. Friend the Minister's rather equivocal comments on this at the end of his speech, I ask the Government to look again at the matter, and to endorse clause 80 and not to seek in any way to water it down, but in time to extend it.

Further improvement is urgently needed in other aspects of the armoury of instruments to combat climate change. The Government must wean themselves off their continuing obsession with fossil fuels. It sometimes seems to me that the left hand in DEFRA does not know what the right hand in the Department for Business, Enterprise and Regulatory Reform is doing—or at any rate cannot stop it. It is extraordinary to respond to soaring oil and gas prices by—as we have seen in the past few weeks—trying to increase the supply of oil from the North sea where the prospects, in a state of continuing decline, must be virtually nugatory, and by making an increased commitment to nuclear, which is highly controversial in this House, and which, whatever one thinks about it, is not relevant as, quite apart from the other problems, it takes 10 to 15 years to build a nuclear reactor, rather than by taking the obvious long-term sustainable route: the fastest feasible expansion of renewables in this country. It is almost incredible that although we probably have more renewable capacity in this country than in any other in Europe, we are at the bottom of the league in electricity regeneration from renewables—just 4 per cent. compared with 10 to 25 per cent. in Germany, France and Italy and 30 to 50 per cent. in Scandinavia.

We now have an EU mandatory target to provide 15 per cent. of all our energy from renewables by 2020, which is bound to mean that we have to produce at least 40 per cent. of it from electricity generation, yet it seems to me that DBERR spends its time not trying to meet the target but dreaming up ways to get round it in Brussels. What we need from the Government—from all the Government—is a precise strategy on exactly how they are going to meet that 15 per cent. target.

Mr. Chaytor: Does my right hon. Friend agree that, had the Government taken a decision shortly after 1997 to have a single Department responsible for power generation, energy efficiency and the response to climate change, we would now be much further down the road?

Mr. Meacher: My hon. Friend raises some very interesting issues with which historically I confess I had something to do. I will talk to him afterwards, rather than using the very limited time that I have available, but he has a very good point.

[Mr. Meacher]

I come to another DBERR failing, and to Kingsnorth and carbon capture and storage. No new coal-burning station should be licensed without carbon capture and storage. To be fair, the Government hinted at this, but as a result of lobbying that was supported in the media, they appear—I am not sure about this—to be backtracking. I have to point out to my hon. Friend the Minister that it is not enough to say that the plant will be CCS capable, because that simply postpones it indefinitely. Will he confirm that the Government will not license Kingsnorth without a requirement that CCS be installed and operated from the start?

There are several other issues. Building eco-houses is fine, but what about the other 99 per cent. of the stock? What about replacing renewables obligation certificates with feed-in tariffs? This is an excellent Bill but it needs to be improved.

7.11 pm

Tony Baldry (Banbury) (Con): The speech of the right hon. Member for Oldham, West and Royton (Mr. Meacher) demonstrates that this debate cannot be just about targets; it also has to be about ensuring that this and other Governments have a coherent energy policy.

None of us chooses when we are born, so none of us chooses the challenges that face us during our lifetime. However, the challenge of climate change is probably the most serious that faces us as decision-takers, legislators and politicians. This Bill is therefore probably going to be the most important in this Parliament, and as one of a number of us who today mark having been in the House for 25 years, having been elected on this day in 1983, I can think of few Bills that have had an equal potential to contribute to the common wealth and the common good.

As I said in an earlier intervention, if anything the published science may well underestimate the urgency of the problem. Professor Spicer, a constituent of mine, of the centre for research at the Open university, says that

"the IPCC reports are designed to be internationally palatable"

and

"they also tend to be highly conservative. For example, the most recent Working Group I report admits that it deliberately ignores the most recent findings documenting the accelerating loss of ice from the Greenland ice cap and that overall ice dynamics are poorly understood. Consequently the problem of future sea level rise is downplayed despite the fact that this is likely to cause considerable economic, social and political disruption because much of the world's population live in major port cities. More disturbing is that the very climate models used to predict the future are themselves conservative: they are anchored in the present and seem incapable of reproducing the patterns and process of climate change that the geological record tells us has happened in the past."

This is an important Bill not because, as is clear from the science and the IPCC, these matters are extremely urgent but because we have a moral duty to take action. In the last Parliament, the International Development Select Committee, of which I, the hon. Member for City of York (Hugh Bayley) and others were members, undertook a lengthy inquiry into climate change and sustainable development. Our conclusions, which were unanimous, were not earth shattering but some of them are worth reminding the House about:

"Irreversible changes are occurring in our climate as concentrations of greenhouse gases in the atmosphere rise....Human activity is accelerating climate change and the scale of the action needed to tackle it is unprecedented...We believe that the precautionary principle must underpin any approach to climate change and the consensus provided by the IPCC should provide the basis for action...Given their relative contribution, the burden of finding a solution to the problems posed by climate change should fall mainly on developed countries...The impacts of climate change will not be evenly spread across the globe and are likely to fall disproportionately on the poor...Climate change has the potential to increase further the inequality between developed and developing countries...Rising temperatures and changes in precipitation will place hundreds of millions of people additionally at risk from either hunger, water shortage, coastal flooding or malaria."

We concluded:

"The timescale is urgent and the UK and other donors have to take a lead in building capacity so that policy makers and politicians in developing countries can understand climate change in the context of the local issues facing their country, and translate that understanding into effective policies and mechanisms."

It is crucial that, as with this Bill, we do take the lead. Rajendra Pachauri, the head of the IPCC, observed only recently that, as a newspaper report put it,

"too many rich countries...had failed to take the action needed to convince the developing nations to sign up to a deal in Copenhagen next year that could help to stabilise global emissions."

Whether we like it or not, it is we who will have to take the lead. Rajendra Pachauri said:

"You may not be able to get an agreement in one shot, let's say by Copenhagen, that sets you on the path of stabilisation in keeping with some kind of long-term target...Looking at the politics of the situation, I doubt whether any of the developing countries will make any commitments before they have seen the developed countries take a specific stand."

He said that there were "reasons for dismay" regarding the failure of rich countries to cut carbon emissions, and that:

"This really doesn't give anybody the conviction that those that had agreed to take action as the first step are really serious about doing so. And in several developing countries you get the feeling—in fact people state it very clearly—that these guys"

rich countries—

"are going to shove the whole burden on to our shoulders. That's why it's necessary for the developed world to establish a certain credibility."

I am vice-chairman of the all-party group on China, about which we have not heard very much today. A new coal-fired power station is coming on stream in China every couple of weeks. China is still classified as a developing country, and if we cannot convince it that we are genuine and for real about cutting our carbon emissions, there is absolutely no way we will get it—at Copenhagen or anywhere else—to sign up to binding targets that reduce its carbon emissions between now and 2050, or any other date.

Anne Snelgrove (South Swindon) (Lab): I hear what the hon. Gentleman says about China, but the other issue is that it is building new carbon-free eco-cities and using technology developed in, and expertise from, this country. Does that not give him some hope?

Tony Baldry: As I think was said earlier, this whole area of climate change provides the UK with considerable opportunities to export our green, clean technology. As

my hon. Friend the Member for South Suffolk (Mr. Yeo), the Chairman of the Environmental Audit Committee, said in his very good contribution, if British business gets there first, it does give us a competitive advantage, and that goes with the grain of being good.

A number of reports have demonstrated that the impact of climate change is happening now, and I shall mention two of them briefly. A United Nations Environment Programme report of 2007 made clear the impact of climate change on Darfur, reiterating the linkages between the environmental degradation caused by global warming, resource scarcity and violent conflict among ethnic groups. The report argued that environmental issues have been, and continue to contribute to, causes of conflict. Sudan has the largest population of displaced persons in the world today, and it suffers from desertification, devastating droughts and land degradation. Some of those are seen as the result of regional climate change and the southward shift of the boundary between semi-desert and desert. Those of us who have been to Darfur can recognise what is actually happening there: in many ways, there is a competition between various groups for dwindling resources. That picture will be seen increasingly across the world if we do not take care.

Interestingly, a new US military report, commissioned by the US Government and financed by the Centre for Naval Analyses, lays out strong support for a link between climate change and terrorism. Admiral Joseph Lopez, a former commander-in-chief of US naval forces in Europe and of allied forces in southern Europe, has said:

"Climate change can provide the conditions that will extend the war on terror. In the long term, we want to address the underlying conditions that terrorists seek to exploit, but climate change will prolong those conditions. It makes them worse."

The report describes climate change as

"a threat multiplier for instability in some of the most volatile regions of the world"

which will—

"seriously exacerbate already marginal living standards in many Asian, African and Middle Eastern nations, causing widespread political instability and the likelihood of failed states".

These are grim and serious issues, and I say to the Whips that because this is such a serious Bill, I shall gladly volunteer to serve on the Public Bill Committee. We should all make a contribution to this Bill.

The final point that I wish to make relates to targets. Again, I entirely agree with what my hon. Friend the Member for South Suffolk said about all the targets in this matter, not just the 2050 target; we are all workaday politicians and we recognise that because most of us will be dead by 2050, it is a lot easier for us to opine about a target for 2050 rather than making reference to a target for this Parliament or the next one. However, the targets do have—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am afraid that the hon. Gentleman has used up his time allocation.

7.23 pm

Anne Snelgrove (South Swindon) (Lab): It is a pleasure to follow the hon. Member for Banbury (Tony Baldry), whose comments about developing countries I listened to with interest, although I got a bit depressed when he discussed longevity and 2050. This House's duty is to ensure that those who follow us can live happy and full lives, as we are able to do in this country. My intervention aimed to demonstrate that developing countries are not just sitting back waiting for us to lead the way; in many cases, they are leading the way and setting an example to us. China is, in many respects, a good example, because of its lead on eco-cities and on carbon capture.

I very much welcome the opportunity to debate the Bill, which is supported by organisations whose combined membership of millions across the country dwarfs that of any political party, and their members will be watching this debate closely. I commend the Minister for the Environment and my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, who cannot be present today—I, too, wish him well—on introducing the Bill. I commend the patience and wisdom shown in their approach of discussing the Bill with various parties, not just Members of Parliament, and I thank them for that. I also thank the Minister for the Environment for his contribution to my private Member's Bill, which has sadly fallen. I very much valued his advice, and I shall return to the matter later.

The Stern review made it clear that both the causes and consequences of climate change are global, requiring collective, international political leadership. I am pleased that our Government are taking a global lead on climate change with this Bill, which will set legally binding targets, putting us head and shoulders above the international community in our commitment to the issue.

My constituents welcome the Bill and tell me that the Government have to take a lead. In the past two months, I arranged for the Secretary of State to meet members of the Swindon Climate Action Network—SCAN—at a fantastic pub in my constituency called the Royal Oak in Bishopstone. It was specially chosen, because it is the home of Helen Browning's organic range which is nationally known and internationally recognised. It cuts food miles—I believe that the organic food travels just yards from the farm to the pub—thus setting a good example. The meeting gave my constituents a chance to put their arguments and ideas about climate change to the Secretary of State. SCAN is an impressive advocate and it made strong arguments to him, which I am sure he took back to Westminster.

Mrs. Moon: Does my hon. Friend agree that although we are debating this serious issue and Governments around the world are debating it and taking steps, this is not just about Governments? It is about individuals, whose role she just mentioned, also accepting that they must make major changes to their comfortable everyday lives in this country, because that will also be crucial to the success of anything that comes out of this House or any other House around the world.

Anne Snelgrove: My hon. Friend makes an extremely important point. I believe that this is about not only Governments but how we get local people involved. I am not necessarily talking about those people who are approaching this subject zealously, but about those who are perhaps only dimly aware of climate change's effect on their lives. SCAN is one organisation working with

[Anne Snelgrove]

local groups to ensure that everybody in Swindon understands climate change and why we all need to play a part in tackling it.

Gina Adams from SCAN has said that although it welcomes the Government's Climate Change Bill, targets are just the start. It wants real progress to be made in reducing CO_2 emissions and tackling climate change by both central and local government. Like me—it is not just Conservatives who want this—SCAN wants the target to rise from 60 to 80 per cent. However, I agree with some Members of the other House that it may be better not to prescribe a figure in the Bill; if we leave the figure at 60 per cent. and the Climate Change Committee subsequently changes it to another figure, that would bring into question the Government's commitment and our commitment in this House. We need to be clear about what we mean by our attempts to reduce carbon emissions in this country, and I hope that the Minister will be clearer about what he means on climate change targets. I was not clear what he was saying in his speech about 60 or 80 per cent., or the possibility of opting for a higher figure. He needs to give us more of an indication of what he means, and I, too, hope that I will be able to follow that up in Committee.

One argument that SCAN made was that people outside the Westminster bubble were unlikely to be inspired to cut carbon if those inside the bubble—us—are not able to do so. My private Member's Bill was all about that. The Government need to take a lead in showing how those targets will be achieved. If we want a 60 per cent. reduction in carbon, we will have to take radical steps to improve the efficiency of the way we live, particularly how we build our buildings. If we want an 80 per cent. reduction in carbon—that is supported by many in this House and many of my constituents—we will have to take even more radical steps. The aim of my private Member's Bill, which failed to reach Committee last week because of the objections of one particular Conservative Back Bencher—

Mr. David Kidney (Stafford) (Lab): Name him.

Anne Snelgrove: I will name no names, because the Member concerned is not in his place.

My Bill aimed to ensure that all new Government buildings were in the highest quartile of energy performance. I was very pleased to have had the support of not only the Government but Conservative and Liberal Democrat Front Benchers, so it is a shame that the actions of one maverick stopped the Bill going into Committee.

It is a modest request to make of the Government as it simply gives legal force to a commitment that has already been made in their own energy efficiency action plan. This is where I have to thank my hon. Friend the Minister for the Environment, because he went the extra mile to ensure that both he and the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Hartlepool (Mr. Wright), were able to acquiesce to some of the demands in my Bill. I am very grateful for the patient work by my hon. Friend the Minister for the Environment and his officials.

I welcome the fact that as a result of this Bill the Government will have new powers to require public bodies to produce action plans on adaptation at the discretion of the Secretary of State and on many other things. I recognise the importance of the five local areas, but the Government should give a lead and show local councils that when procuring new buildings for the Government estate, they are aiming for the highest possible environmental standards. Without a commitment on the face of the Bill, Departments will continue not to pull their weight in the fight against climate change. Some 17 out of 21 Departments are not on track to meet their energy efficiency targets, and energy efficiency across the central Government estate has actually worsened by 3.3 per cent. since 2000. I proposed a modest change and I hope my hon. Friend the Minister will find some way to include it in the Bill.

The Minister has said that the Bill is about leadership and that it should be about keeping promises. In recognition of their duty to lead by example, the Government committed in the energy efficiency action plan in 2004 to procure only buildings in the top quartile. The commitment covered Departments, executive agencies and non-departmental public bodies. To put that in perspective, there are currently around 100 executive agencies and more than 800 non-departmental public bodies. They include organisations as diverse as the Highways Agency, the Meat and Livestock Commission and the Royal Mint.

The top quartile commitment was subsequently restated in the "Common Minimum Standards for the Procurement of Built Environments in the Public Sector", published by the Office of Government Commerce in September 2005. The most recent restatement of the commitment was in the 2007 energy White Paper. The promise to carry out this action has been made a number of times. However, the Environmental Industries Commission wrote to me earlier this month stating that in 2006-07 only 46 of 351 Government new build or refurbishment projects were even assessed for their environmental impact. The failure to ensure that major public building projects will be energy efficient and sustainable is a huge wasted opportunity and will undermine the Government's aim of making the UK one of the EU leaders in sustainable procurement. We can all see failure looming. Only if this Bill is amended to include a requirement that public buildings are procured in a better way can we stop that failure happening.

As I said, the Bill is supported by hon. Members on both sides of the house and NGOs across the UK. Millions of people make up their memberships, and tens of millions make up their supporters. They will be watching this debate closely and I will make sure that its outcome is also reported to those who have written to me from my constituency.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. So as to be as inclusive as possible, I propose to reduce the time limit to seven minutes for hon. Members called after 8 o'clock.

7.34 pm

David Howarth (Cambridge) (LD): I will try to keep my remarks brief.

The hon. Member for South Swindon (Anne Snelgrove) mentioned several of her constituents; perhaps I should start by mentioning one of mine. Sir David King is the

former chief scientific adviser who got into a lot of trouble for describing climate change as the most dangerous challenge facing the world. He said that it was more dangerous than terrorism. This week, above all weeks, it is worth repeating that remark, and never mind the trouble that it got him into. He was right. The scale of the problem that we face is the equivalent of the challenge that was posed by nuclear war. It might be happening more slowly and in a different way, but it is the same sort of thing.

We have discovered that human beings have the capacity to undermine in its entirety the life support system on which we all depend. There are a few sceptics around, but they are increasingly like those who believe in UFOs and aliens. They are relying on smaller and smaller pieces of evidence, with wilder and wilder theories, while all around them shuffle in embarrassment and change the subject. There is a difference between scepticism, which is appropriate to science, and obduracy, which is not. Now is the time to act. A remark was made about the press, especially the tabloid press and the irresponsibility of some of its coverage. For me, that just illustrates why it is important that we should not be ruled by them.

There have been big changes to the Bill since it was presented to the pre-legislative Joint Committee on which I and many others served. In the vast majority of cases, those amendments have been for the good—especially those passed in the House of Lords. I was disappointed by the Government's attitude to several of them, however.

One of the crucial changes in the House of Lords was to clause 1, which introduces the 2° C target. That is important because it is as near as we can get to what we are talking about. We are trying to stop the harm caused by climate change, and that harm is measured by the change in average temperatures. It is not measured by reductions in emissions. It is measured by the outcomes—the temperature—not the inputs.

The Government's argument against that way of framing the Bill is that global temperature is not under our control, because it is a matter for international action, but we have to take responsibility for our share and we have to set an example. It is a simple moral principle that we should act in a way that would be acceptable if everybody else acted in that way as well.

Mr. Woolas: The hon. Gentleman makes a coherent argument, but there are many countries, such as the small island states, in the United Nations forum that do not accept 2° C.

David Howarth: I once had a PhD student who did her thesis on small island states, but I do not have time to go into the full issue that the Minister raises. However, it is a different point about the overall starting point for reductions, not the share. The hon. Member for Morley and Rothwell (Colin Challen) was right to say that if the Government have accepted contraction and convergence, in the 60 per cent. figure, they must also accept it for any other figure that comes along. The Government have already accepted the principle and cannot go back on it.

The second point is the connection between the 2° C figure and the 80 per cent. target. There is a logical connection between the two. If the Government accept —as a matter of policy rather than for legislative purposes—the 2° C target, they must also accept a target of 80 per cent. reduction or greater, because the probability is that we will not be able to hold world average temperature to a 2° C increase unless the reduction that is attributable to us under contraction and convergence is something like 80 per cent. The two issues are connected. Once the Government have accepted the 2° C figure as a matter of policy, they should accept the 80 per cent. figure, too. As hon. Members have said, the science has moved on. Many hon. Members will have seen the letter from another of my constituents, Sir Tom Blundell, which makes it absolutely clear what we are talking about and what action we should take. It is also true that there have been eight years of rising emissions between the RCEP report in 2000 and now. We have to make up for those eight years, as the emissions will be in the atmosphere for another century.

Let me refer to another part of the Bill that has not been referred to much, although the right hon. Member for Suffolk, Coastal (Mr. Gummer) mentioned it in part. There has been a change in the reporting provisions in the Bill, so the question of annual targets is rather different from what it was when we first discussed it. There is a five-year reporting period with an action plan, and a one-yearly indicative target reporting system whereby the committee makes a report and the Government respond to it. That is much better than when the Bill started out, but it still needs to be strengthened. There needs to be some suggestion of an action plan that is possibly produced yearly but not necessarily each year. I would give the power to the committee to suggest to the Government that if they are so far off target for a particular year, they might consider bringing forward the date at which the action plan obligation comes into force.

Another large issue is that of the emissions for international aviation. Some 90 per cent. of the emissions from aviation in this country are caused by international aviation, while a very small proportion are caused by domestic aviation, which is included in the Bill. I point out to the Government that throughout the debate, from the consideration in the Joint Committee until now, the Government have said that it is too difficult to distinguish between the two, and there has been disagreement between the Department for Transport and DEFRA about how to do it. However, that cannot be the case, because the Government are already doing it: they answer parliamentary questions that ask them to distinguish between domestic and international emissions. It seems to me that the best thing for the Government to do would be to put the obligation in place now so that when they are required to go along that path in 2011-12 by the EU ETS, they will have to make a far smaller adjustment to their position than they would if they did nothing now and carried out the whole adjustment then.

I have only one point to make on the international credits debate. A number of points have been made by hon. Members on both sides of the argument, but my view is still that the big advantage that is alleged to flow from international trade is that it means that the cheapest options can be taken first. No one is told what options have to be taken over the whole period, because in the end they all have to be taken. In the end, states such as Britain are allowed to take cheaper options from abroad early on. That does not mean that they will not have to take expensive options later. Usually, it is quite a good

[David Howarth]

thing to do it that way, but it is not always. In this particular case, if we take ourselves down the line of being a high-carbon economy and allow ourselves to take cheap options from other countries, we will be stuck in that economy. When the time came to take the expensive options, they would be even more expensive.

The final improvement to the Bill to which I want to refer is clause 80. I think that I am the only Member who took part in both the Standing Committee that considered the Companies Act 2006 and the Joint Committee on this Bill. I will not go through the various struggles about the operating and financial reviews and the attempt to get the Government back to the position from which they started. It seems essential that if we are to create a market for ethical investment and consumption, we should have the strongest possible reporting requirements on companies. That dimension has not yet been mentioned. It is a way in which individuals can take part in the fight against climate change in their own lives, by making choices in the market. In the end, it is for all of us—both politicians and individuals—to play our part, and that is how it can be done.

7.44 pm

Mr. Elliot Morley (Scunthorpe) (Lab): I welcome the Bill; indeed, its principles have had a unanimous welcome. If they had not, we might as well have given up on combating climate change. Of course, there are issues of detail, and it is perfectly reasonable that they should be debated and tested. Some of the amendments made in the other place have been very helpful in trying to clarify and strengthen the Bill. However, I want to focus on a couple of points. The first is carbon reporting, which has been referred to by my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher). He and I are members of the Aldersgate Group, which has been a driving force behind the idea of carbon reporting.

There has always been resistance in Government to the idea of more regulation. That is understandable, to a certain extent, but sometimes it reaches the point of irrationality. Regulation can sometimes be more efficient and can benefit industry and society. If I understand my hon. Friend the Minister correctly, he is saying that he accepts the principle that there should be some regulation of carbon reporting so that there is a standardised approach. That makes absolute sense. At the moment, although about 45 per cent. of top companies report on carbon, they use different criteria and assessments. That makes it almost impossible to compare and to see who is the better performer.

The CBI climate change taskforce recommended that there should be a standard approach. It looks as though that point, at least, has been accepted. At the CBI conference, delegates were asked whether they supported mandatory reporting, and 82 per cent. were in favour. If 82 per cent. of the CBI is in favour of a new regulation, why are we messing about in this way? I suspect that it is not my hon. Friend the Minister who is messing about. Sometimes, some parts of Government are more sympathetic than others to the idea of environmental regulation. However, the principle is sound and I hope that my hon. Friend will give it a little consideration during the passage of the Bill.

Clause 80, which was inserted in the House of Lords, strikes me as a sensible clause. I would hope that my hon. Friend the Minister would make that a workable and effective clause. If we are to make real progress in addressing climatic change, we need a complete cultural shift in society. That shift must come at all levels—at a personal level, in industry, in the public sector and in the private sector. We have to do that.

I agree with some of the points that were made about the need for this country to give leadership. This country has given leadership over many years in raising the issue, making the scientific arguments and offering a top-quality scientific base through the technical arguments. I have seen the respect that this country is given in international negotiations as recently as the meeting in Kobe of G8 Environment Ministers. We have influence and people look to us for a lead. There is no doubt that developing countries will not move unless they see the developed countries taking climate change seriously and putting in place the essential measures.

On a small part of that cultural shift, I disagree with some of the comments about the measures on waste and recycling. We need maximum flexibility in how we deal with such things. There is an argument not only for charging—I take the argument that we do not have to charge, as we can also offer incentives—but for introducing more imaginative ways of encouraging people to recycle more. Recycling is about reducing energy, and reducing energy is about reducing emissions. We should not forget that. It does not help the all-party approach that has been talked about to attack such measures, just as it does not help to attack the idea of congestion charging. Some of the measures that we will have to put in place will not be easy and they will not always be popular, but they are part of the cultural change that we need.

In that respect, I hope that my hon. Friend the Minister will try to make the Bill's capacity to accommodate new measures as flexibly as possible. New measures will arise, and the Government will need to respond quickly and flexibly. This is an opportunity to pass empowering legislation that gives the Government that flexibility. There is a possibility of a range of actions. I very much support the idea of measures such as individual carbon allowances. I accept that its time has not yet come; it is a very radical approach. Nevertheless, elements of it could be applied to an aspect of our society, such as the purchasing of fuel or energy, for example. That also has the benefit of a very strong element of social justice, in the sense that those people who are not great energy users—whether petrol or other fuel—will have a financial advantage compared with those who are big energy users. We should not rule out such approaches; we need the flexibility to adapt.

There may well be some movement on, for example, sectoral approaches—not exactly popular with many other countries around the world. However, that might address problems in our energy-intensive sectors, such as steel, that are exposed to global competition. It will do nothing for the environment if steelworks cannot compete in a global environment and their capacity simply switches from this country to a developing country. There would be no environmental gain. That is not to say that we should not encourage efficiencies, productivity and innovation, but perhaps a sectoral approach is one way of doing that, whereby technology transfer and energy-efficiency knowledge can be shared among sectors

and developing countries can gain from the experience of developed countries. My hon. Friend the Minister knows all about the discussions that have taken place internationally on such issues. They are not easy, just as discussions on a global stabilisation goal are not easy, as he said, but that is a prerequisite to an overall target.

I disagree with hon. Members who talked about absolute target figures, year on year. The idea of carbon budgets is a much better approach, because it gets into people's minds the way that we have to go: to budget for carbon, to put a value on carbon and for all of us to be aware of our impact. In that respect, I strongly support the comments made by my hon. Friend the Member for Morley and Rothwell (Colin Challen) about the fact that there should be annual carbon budgets, which should be treated in the same way as the annual fiscal Budget, so that the Government's annual carbon budget for the country is open and transparent for the future.

7.52 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): It is a great pleasure to follow the right hon. Member for Scunthorpe (Mr. Morley), who has given one of the most practical and realistic speeches in the debate so far. Having studied physics at Cambridge before going on to study economics, I approach the science and, to a greater extent, the economics of global-warming alarmism with a degree of scepticism. None the less, I am predisposed to curb hydrocarbon use and CO_2 emissions because my scepticism may prove unwarranted; it is sensible to seek more secure and plentiful sources of energy, and we have a duty of stewardship to the planet.

Above all, because I spent last year and the year before studying global poverty, it is clear to me that, if climate change is significantly man-made, the men and women who did not make it are the poor people of this world. Yet they will suffer most from it, and they more than anyone need to increase their energy consumption if they are to grow and prosper. So I accept that developed countries, including the UK, should bear a major share of the burden of prevention of or adaptation to climate change. However, any measure that we introduce must pass two tests—the same two tests that we apply to any Bill. First, the benefits, even if they accrue to other people, must be greater than the costs, even if they are all incurred by us. Secondly, the measures must be effective, rather than just demonstrative.

The Minister did not mention the final impact assessment, except in response to my intervention, yet it shows that both the costs and the benefits of the measures that he proposes are immense—so immense that it is astonishing that the House has got this far in the debate without considering them. According to the Government, the potential benefits lie in the range of £82 billion to £110 billion, but the potential costs lie in an even larger range, from £30 billion up to £205 billion. The net benefit, they say, could be £52 billion positive, but it could be as much as £95 billion negative.

The Government admit that the method that they employ in their final impact assessment

"cannot capture trade and competitiveness impacts"

and is

"unable to capture transition costs...limited in its ability to capture the obstacles which make it more expensive (such as information and policy costs)... It may therefore be expected to produce lower-bound estimates of the costs of carbon abatement in 2050."

In other words, their estimates are the lowest possible and ignore quite significant costs.

Those costs are not trivial. The Government's own figures say that

"transition costs",

which are not included in their figure of up to £205 billion,

"could be 1.3 per cent. to 2 per cent. of GDP in 2020."

On the trade and competitiveness impact, which, again, is not taken into account in their costs, they say:

"Both short and long run costs could be unevenly distributed, with a small number of energy intensive industries affected more significantly, particularly those facing international competition."

They go on to quote the IPCC, whose research found

"relatively high risks of the transfer of productive capital to countries without carbon policies"

if they are pursued asymmetrically—that is, unilaterally by us, without others doing the same. We could end up bearing the cost of driving UK business abroad, which is not included in the Government's figures, without reducing carbon emissions—because, of course, those industries abroad would still be spewing forth carbon.

Martin Horwood: Is the right hon. Gentleman aware of the Institute of Public Policy Research report that considered the various Government models for calculating costs and said that, even if 2 or 3 per cent. of GDP in 2050 had been expended in an attempt to meet the 80 per cent.,

"the economy would almost triple in size by 2050, even with an 80 per cent. cut in emissions"?

So surely he is talking about a marginal amount in the end.

Mr. Lilley: Professor Stern said that, if global warming goes ahead and causes all the damage that he anticipates, the world will be only four times as rich by the end of the century as it is now, not fives times, as it would be if we cured global warming. The hon. Gentleman should first take that on board.

The Government's report moves on to benefits, and it is very terse, saying only:

"For indicative purposes only, it is possible to use the Shadow Price of Carbon to place an indicative money value on the emissions reductions that could occur under a 60 per cent. emission reduction target. The Shadow Price of Carbon captures the damage cost of climate change caused by each additional tonne of greenhouse gas emitted."

They are using that figure to calculate benefits, without mentioning that virtually all those benefits will fall outside this country. I accept that we ought to be acting to help others. None the less, we ought to point out what we propose to do, who will bear the costs and who will get the benefits. A document that does not do that is not worthy of acceptance by the House.

David Howarth: The right hon. Gentleman will be aware, of course, that the shadow price of carbon approach has been heavily criticised by a number of economists, and the Government are on the verge of abandoning it.

Mr. Lilley: That is as may be, but that is a criticism of the Government, not of me. I am only quoting what the Government have told us and how they have assessed things.

[Mr. Lilley]

The second test is how effective the measures are likely to be. We know that current policies are not working: CO_2 emissions are not perceptibly lower than they were in 1997, when the Government were elected. Moreover, the target measure does not include aviation emissions, which have been rising, so CO_2 emissions are actually higher now than when the Government were elected. A UN report said that Britain's national target of reducing CO_2 emissions to 20 per cent. below its 1990 levels by 2010 is now unlikely to be met, and that the outcome is likely to be about half of that. Again, that is without taking into account aviation and shipping emissions.

It is extraordinary that although the Government have failed to meet the modest targets that they inherited and set themselves, we now hope that we can compel Governments, by statute, to meet far more demanding targets. It is a bit like suggesting that we can legislate for better weather, but not quite as extreme as that. It might be presumed that the Government would impose sanctions, but what are they? On closer inspection, there are no sanctions for failure to meet the targets. If the Government fail to make the 26 per cent. reduction by 2020, the Minister will not be clapped in irons. If by 2050 we fail to reduce carbon emissions by 60 per cent., there will not be a condign punishment for the Prime Minister of the day.

The sole effect of enshrining the targets in statute will be that the Government's policies will be open to judicial review. Judges will be asked to assess whether measures introduced will be likely to be effective in ensuring that targets are met. I do not have a great deal of faith in the ability of Ministers of this Government, or perhaps any Government, to meet the targets, but the idea that judges should decide on policies costing billions of pounds, without being accountable to the electorate for the billions that they might decide need to be incurred, fills me with foreboding.

It is pretty daft to suppose that merely passing laws can help to bind us to, or help us meet, targets, but it is dafter still to suppose that passing laws can make other countries follow us. The Bill is unilateralist, and just as I was suspicious of unilateral disarmament, I am suspicious of measures that require us unilaterally to incur huge costs, regardless of whether others do likewise. I remind hon. Members that the UK accounts for only 2 per cent. of world emissions, so even if we achieved our targets the contribution would be negligible as far as global warming is concerned, whereas the impact on the UK economy would be crippling.

There is, of course, merit in setting an example and taking a lead, but what if no one follows? No one has mentioned a most extraordinary development that took place last Friday, when a Democratic measure in Congress, which was intended to embarrass President Nixon by requiring emissions targets—

Mr. John Maples (Stratford-on-Avon) (Con): Bush.

Mr. Lilley: Yes, President Bush; I am a bit behind the times. Many people equate the two. The Democratic measure collapsed. It was not possible to get sufficient support from Democrats. To imagine that the US will follow in our slipstream is the simplest moonshine. If we pass this measure, we should at the very least ensure that it has binding effect only if a sufficient number of developed countries follow us—and that, I think, is unlikely to happen.

Martin Horwood: The right hon. Gentleman is very kind to give way to me a second time. Does he accept that California has already pledged to make an 80 per cent. reduction on 1990 levels? It is setting an example, and it is one of the most industrialised and richest economies in the United States.

Mr. Lilley: Great; I do not doubt that some countries have taken action, and others will do so, but only if a sufficient number does should we make the targets binding on ourselves and commit ourselves to up to £205 billion of expenditure at net present value or more, for benefits that may be less than that.

There was mention of the shadow carbon price. When all the measures were being thought about, the price of crude oil was about a third of what it is now. There is general agreement that the best way to reduce carbon use is to set a carbon price that reflects future costs. If we consider the Government's assessment of the cost of ensuring reductions, the current price of crude oil does the trick. Their assessment and the calculations in their impact assessment assume that the high cost relative to the base cost produces an extra one-third reduction in emissions. That "high cost" was a crude price of $72 a barrel by 2020. The price is already nearly twice that; it will presumably produce two thirds extra emissions cuts. It will help us to meet the targets without the binding commitments to policies that may be damaging to British industry, costly to British taxpayers, and additional to the huge burden that they already bear by paying the high price of crude oil. I hope that Members will show a considerably greater degree of scepticism towards the Bill in its later stages in the House than they have done today.

Several hon. Members *rose*—

Madam Deputy Speaker (Sylvia Heal): Order. I point out to all right hon. and hon. Members that the time limit imposed on Back Benchers' speeches is seven minutes, with effect from now.

8.5 pm

Hugh Bayley (City of York) (Lab): I warmly welcome the Bill as an environmentalist and an economist. I congratulate the civil society campaign that made the case for such legislation, and I should especially like to mention the Friends of the Earth's Big Ask campaign. There is great public interest in the measure; I have held three public meetings on the subject in my constituency in the past year, each attended by more than 100 people. I agree with what many Members have said in this debate: the greatest responsibility for cutting emissions must rest with developed countries, because we are the largest emitters. It is the stock of carbon in the atmosphere that is warming the planet, not the emissions made year by year, and our country—the first to industrialise—and others like it have been large emitters for two centuries.

One of the consequences of the Kyoto treaty is that we tend to focus on the responsibility of states to cut emissions, and of course they must do so, but sometimes

that obscures the fact that a state's emissions are simply the aggregate of the emissions of the people in that state. It is important that we stress each person's responsibility to reduce their carbon footprint.

Last autumn, I was asked to make a speech in India about the need to reduce emissions. It is a difficult place in which to make such a speech, because the Indians simply point the finger at us and say, "Your emissions are far higher than ours. This is a problem that you've created; you solve it." However, one has to remember that the emissions of rich people in India are broadly the same as the emissions of people in this country. Per person, the emissions of the richest 10 per cent. of people in cities in India are 10 times that of the rural poor in India. The former have washing machines, air conditioning, refrigerators and cars, just as we do, so it is not just a matter of pointing the finger at the rich world.

I should like to respond to the points made by the right hon. Member for Hitchin and Harpenden (Mr. Lilley) about the danger that, if we enact such legislation, we will undermine the UK's competitive position. To an extent, he answered the charge himself, because with oil at $150 a barrel, becoming less carbon-dependent would surely make this country more competitive. It is also morally right to take action. When this country abolished the slave trade, we put our country at a commercial disadvantage, but it was the right thing to do. When we abolished child labour, the same charge could have been made; it could have been said that we were undermining the profitability of British industry. Nevertheless, it was the right thing to do.

Mr. Maples: After the Bill abolishing slavery was passed by the House, the British Navy patrolled the Atlantic, stopping other countries indulging in the slave trade. Is the hon. Gentleman suggesting that we do the same with global warming?

Hugh Bayley: No, I do not suggest that we do the same with global warming, because a British frigate cannot stop what a rich person in Los Angeles does. I make the point—and I stick to it—that we should do the right thing, and we should take a lead. We cannot expect other countries to participate in reducing carbon emissions unless we, as a large emitter, lead by example.

Global warming is caused largely by emissions from countries such as ours, but its impact is felt mostly by people in poor developing countries. The Government set a target of an average increase in temperatures of no more than 2° C by the middle of the current century, but we must be aware that averages are sometimes misleading. If I put my head in the fire and my feet in the fridge, on average it is quite a comfortable temperature, but it is not a comfortable way to exist. An average increase in temperatures of 2° C will mean an increase of much less than 2° C over the oceans and much more than 2° C in the centre of continents, because the land heats up faster.

Should the target be 60 cent. or 80 per cent.? I am glad the Government have charged the Committee on Climate Change with examining the question. I should like to see the Government set a figure much closer to 80 per cent. than to 60 per cent., but if we set a tougher target, it must be accompanied by credible policy changes that will secure greater reductions, and they need to be reflected in the annual carbon budget. Housing, for instance, accounts for some 15 per cent. of UK carbon emissions. The Government set a target that all new homes by 2016 must be carbon-neutral. In my constituency, I have seen some impressive pilot studies, with low-carbon building, which I described last week in a debate about eco-towns.

We need to scale up that technology. Opponents of eco-towns say that we do not need them because the Government are pledged to zero-carbon housing by 2016, come what may, but the only way we will develop the technology to meet that pledge is to pilot low-carbon housing on a community-wide basis. Some critics will ask why all the eco-towns are in the countryside, but I should like to see eco-districts in cities too. We need to build all our housing to those standards.

Road transport accounts for more than 20 per cent. of total emissions and we need an eco-transport policy. Sooner or later, the UK will have to build a new high-speed north-south rail line. I would far rather the Government and business put money into that than into a third runway at Heathrow. We have plenty of airport capacity. Every plane that takes off from London for north America flies over Manchester. Why not fly it from Manchester? That would save half an hour of flying time and 400 miles worth of fuel on a round trip, and if a fast railway line from Manchester to London were built, passengers could be in London in an hour and 20 minutes or an hour and a half. We need a joined-up policy. The Government should create some talisman policies that show that behind the Bill is a raft of policy change that will make a difference.

Some 25 years ago I ran a small television production company called IBT. At the time of the Ethiopian famine in 1984 we made a documentary called "Reclaiming the Earth". It made the case that drought is not a freak of nature. The famine in Ethiopia was caused, or at least amplified, by human action. We interviewed a woman called Wangari Maathai, a grass-roots campaigner from Kenya, 15 years before she won the Nobel peace prize and 20 years before she became an Environment Minister in the Kenyan Government. Her views and ours at the time were seen as soft-hearted speculation, but those arguments are mainstream today.

We do not have another 25 years to keep debating the issue. If we do not take action in this country and provide a lead globally, the consequences will be catastrophic not just for Kenya and Ethiopia, but for the whole world.

8.13 pm

Mr. Andrew Tyrie (Chichester) (Con): I will not support the Bill this evening. I have fundamental disagreements with parts of it. It requires the Government, and particularly their successors, to embark on a drastic restructuring of the British economy. No one knows the costs of that—certainly, the Government do not, and they do not have even the sketchiest idea how the Bill will be implemented.

There is an air of unreality about a great deal of what I have heard this evening. I doubt whether most of it will happen. The Bill combines some of the characteristics of both the poll tax and the Dangerous Dogs Act 1991, except on a much grander scale. Either it will be implemented, in which case, like the poll tax, it could be as economically unworkable as it would be politically

[Mr. Andrew Tyrie]

suicidal, or it will not, in which case, like the Dangerous Dogs Act, it will turn out to be yet another exercise in gesture politics. The Bill rests on science, economics and the efficacy of the measures.

Mr. Maples: Until our right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) spoke, there was much discussion in the debate as though all the science was settled, but my reading of it is that that is simply not true.

Mr. Tyrie: I strongly agree. Some areas of the science are settled, but many are not. Having read the literature extensively, my tentative conclusion is that there is still considerable uncertainty about how the climate system varies, and particularly about how it reacts to emissions of greenhouse gases and aerosols. We should regard the current estimates of the magnitude of future warming as tentative.

I note that the only reliable survey that has been conducted of 550 of the world's leading climate scientists says that two thirds are convinced that most of the observed warming is related to human action. In other words, a third are not convinced of that. It is worth bearing in mind the fact that many of the so-called 2,500 scientists in the IPCC process vehemently disagree with the panel's conclusions, even though they support the section on the science in the main report on which they have worked.

Let us suppose that the science was settled and that we could take the central scenarios of the IPCC as the basis for policy making. What action should flow from that? To answer that question, the Government rely entirely on Lord Stern, as the Minister said this afternoon. Stern's view is that we should implement a crash programme of carbon emissions reductions, as implied by the Bill. The problem is that Lord Stern's report, far from being endorsed by the lion's share of the world's environmental economists, has been comprehensively shredded by them.

At a symposium at Yale, the leading experts assembled with Lord Stern and thrashed it all out in detail. I will not go into the detail now; I do not have time. Suffice it to say that the flaws were politely and, in my view, brutally and decisively exposed. In their view and mine, his report is littered with far too many mistakes and controversial assumptions to be taken as a serious basis for policy action at this time.

Professor Nordhaus, probably the world's leading environmentalist, described the conclusions as "completely absurd", as has Professor Richard Tol. Professors Mendelsohn, Yohe and a number of others have said pretty much the same. Professor Tol said:

> "If a student of mine were to hand in this report as a Masters thesis, perhaps, if I were in a good mood, I would give him a 'D' for diligence; but more likely, I would give him an 'F' for fail."

There is much more of that ilk from economists around the world and from most of the UK's leading experts—most, but not all. Some support Lord Stern, but he is in a minority.

The Government persist in taking their lead from Lord Stern, in which case, logically, they should carry on listening to him. But he has changed his views since his report. He now says that we should cut emissions by between 80 and 90 per cent. by 2050. So why do the Government not go for 80 or 90 per cent.? After all, Adair Turner also supports 90 per cent. By the way, Tony Blair, not to be outdone, has told us that he favours virtually 100 per cent. cuts. With those proposals, we move fairly briskly out of the implausible world of large cuts and swiftly into the theatre of the absurd.

What about the measures in the Bill? I have time to address only a few. A central objection raised by my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) is that the Bill is unilateralist. No other country has been foolish enough to consider such a measure. It is a profound mistake to take the unilateralist route. First, we contribute only 2 per cent. of global emissions. Secondly, if we go ahead unilaterally, the UK will be disproportionately hit because we will increase our cost base when other countries have not increased theirs. A third reason is that although UK emissions will fall, they will reappear, probably at even higher levels, as the industries that we closed down with our higher cost base reopen in China and elsewhere. Finally, once we have acted unilaterally, the Chinese will have every incentive to delay an international agreement. That point has not been made at all today. After all, why should they rush to agree anything when they can acquire our industrial base and those of other countries silly enough to go it alone? It is regrettable that the Government have not even thought through the issue enough to make the Bill's implementation conditional on some action by others. At least the EU approach to cutting carbon emissions contains some conditionality.

There are many other deep flaws in the Bill, but I do not have time to discuss them. It will hit the poorest in our society and in societies throughout the world. As I have already mentioned, the Government have only the sketchiest idea of how to go about this huge undertaking and of its cost. One clause—recently added—is enough to make the Bill objectionable to me. It now requires 70 per cent. of carbon emissions to come from domestic efforts and not to be purchased from abroad. Either the carbon emissions trading scheme is something that we want, in which case we should be allowed to buy as much as we need from it, or it is a corrupt or hopeless scheme, in which case it is not the right way forward. The domestic requirement just imposes an unnecessary extra burden on our economy. It has to be one or the other. I support proportionate action, including a modest carbon tax, technological research and adaptation, but the Bill is not proportionate.

Mr. Maples: One of the other things that puzzles me—I do not know whether my hon. Friend has thought about it—is that the media and commentators in the media seem to be wholly lined up behind the Government and the Stern analysis of the problem. They never seem to mention the things that my hon. Friend is talking about.

Mr. Tyrie: I strongly agree. We are taking decisions against a very difficult backdrop—periodically fuelled by media hysteria. The subject has acquired some of the characteristics of a religion: apocalyptic predictions abound, and they make good copy. Over nearly 20 years since I first looked at the issue when I was at the Treasury working for John Major, I have become saddened by the way in which the calmer voices of many orthodox scientists and economists, particularly those who do not

agree with the current policy prescriptions, have often been drowned out. All the incentives are against speaking up about the subject. Some have described Professor Lindzen of Massachusetts Institute of Technology as the father of modern climate science. He wrote recently that

"scientists who dissent from...alarmism have seen their grant funds disappear, their work derided, and themselves libelled as industry stooges, scientific hacks or worse... Only the most senior scientist today can stand up to this alarmist gale."

I have spoken to a number of the UK's most senior specialists on the subject, and some feel similarly coerced. I shall read to the House a quotation from one of the major businesses in the UK. It says that

"the more one looks behind...climate change policy...the more it is based on patent absurdities... Anybody who reveals the truth is scorned."

A leading economist has said:

"I have learnt that to say anything about the subject is to be assailed by fundamentalist crackpots."

Those people are concerned about speaking up but cajoled into not doing so. That is a bad climate in which to take such decisions as this Bill.

8.23 pm

Dr. Desmond Turner (Brighton, Kemptown) (Lab): It is quite refreshing and reassuring that the friendly consensus that had broken out in the House has been shattered by the resurgence of what can only be described as the flat earth society. The right hon. Member for Hitchin and Harpenden (Mr. Lilley) gave one of the most depressing diatribes that I have ever heard. The issue is not counting beans but the survival of the species. Of course there has not been much in the way of carbon dioxide emissions savings up to now, because we have not had any legislation to promote it. Now that the right hon. Gentleman is faced with legislation to promote it, what is the problem? Has he got any better ideas? No. We have had nothing but negativity—sheer negativity.

The evidence is absolutely overwhelming, although not entirely consistent. It is not monolithic; there is an enormous range of evidence from climate scientists. It ranges from something that we can just about manage to the frankly apocalyptic. Those scenarios are possible, and do not forget that they have happened before in geological time. They are not figments of imagination: when they have happened, they have resulted in the wipeout of 90 per cent. of the species on the planet.

We are in a position to try to do something, and as human beings we are under a moral obligation to do something. We cannot just stand by and see the world made uninhabitable for our grandchildren.

Mr. Tyrie: Will the hon. Gentleman give way?

Dr. Turner: Yes, I very happily will.

Mr. Tyrie: The hon. Gentleman is giving a deeply apocalyptic view of the world. Can he tell me where in the IPCC reports, including in the science section of the fourth report, the evidence is to support such a view?

Dr. Turner: As has already been made clear, it is not in the IPCC reports, which err on the side of conservatism and are entirely consensual. However, everybody knows that there are step-change events that could completely transform the situation—for example, if the Amazon rainforest burned or if the Arctic tundra melted and released the enormous quantities of methane trapped in it; methane is a powerful greenhouse gas that would ratchet up the greenhouse effect enormously.

Enough of the flat-earthers—let us go with the majority for the moment and deal with the Bill. The Bill is a collection of aspirations. By itself, it does not legislate for the saving of a single tonne of CO_2. It needs some nuts and bolts. As my hon. Friend the Member for City of York (Hugh Bayley) said, we must have concrete measures to make it work. Fortunately, other legislative vehicles are kicking around.

The Energy Bill, for example, is now in the House of Lords. I am sad that, so far, we have missed an opportunity for advance through that Bill; it does nothing like enough to promote the deployment of renewable energy in Britain. We are in the unique position of having magnificent raw sources of renewable energy, and there is no more effective weapon against climate change and CO_2 emissions than the maximum deployment of renewable energy. I confidently expect those omissions to be corrected in the Lords by various amendments, and I hope that the Government will accept them when the Bill comes back so that we can start to deploy renewable energy much faster and more effectively.

If we are going to do anything, we have to make a dramatic step change in our whole approach to climate change. It is no good assuming, as clause 1 does, that we can legislate for a 2° C limit on global warming. The range of variability in the correlation between levels of CO_2, or CO_2 equivalents and temperature rises has such a wide margin of error that 2° C is at the lower end of the range. The only answer is to take a precautionary approach and to reduce as fast as we can as effectively as we can. That is why we cannot mess about with this.

The flat earth society is very concerned about the economic impact, but that pales into insignificance if the world becomes uninhabitable—there ain't much of an economy in an uninhabitable world. In future, on every measure that the Government introduce we must carry out not only a regulatory impact assessment but a climate change impact assessment, and we need to try to ensure that that assessment is always on the positive side.

I believe that we should not wait for the Committee on Climate Change to increase the central target to at least 80 per cent., with concomitant increases in the interim targets, but, rather, should do so during the passage of the Bill. In the light of current evidence, it is inconceivable that the committee would recommend anything less. We all know that the sooner one takes action—the sooner a tonne of CO_2 is saved—the more effective it is. I very much hope that we can go to the higher targets right now. We should ensure that at least 70 per cent. of CO_2 emissions are saved within country. There is an awful lot of doubt about clean development mechanism credits and so on. They have been seriously abused, and there is a real possibility that if we place too much emphasis on buying credits we will not save any CO_2 at all. Equally, I have a very qualified faith in trading mechanisms. One of my criticisms of the Bill is that it places far too much reliance on trading mechanisms and not enough on physical mechanisms such as exploiting renewable energy. Markets never delivered anything except money into rich men's pockets.

8.31 pm

Mr. John Maples (Stratford-on-Avon) (Con): Until a couple of months ago, I was happily riding this consensus and basically accepted the received wisdom. I thought that it was probably being exaggerated a bit, but then people usually do that in making a case. However, I then made the mistake of reading a few books and quite a lot of analysis, particularly of the Stern report. That has led me to a couple of conclusions that trouble me a lot. I do not believe that the science is anything like as settled as the proponents of the Bill are making out. In fact, the scientists hedge their predictions with an awful lot of qualifications and maybes that those who invoke them often omit. The science is a bit like medicine in the 1850s. The scientists are scratching the surface of something that they do not really understand, but no doubt will. They are probably on to something, but nothing like the whole story. What they say does not justify any of the apocalyptic visions that we have heard set out.

The record shows that the climate warmed from 1920 to 1940, cooled from 1940 to 1975, rose again from 1975 to 2000, and since 2000, according to the Hadley centre, has not risen at all. In the past seven years, global temperatures have not increased. All the predictions that we work from, whether from the IPCC or anybody else, are based on models, none of which can account for the cooling between 1940 and 1975.

Colin Challen *rose*—

Mr. Maples: The models on which the policy of the party of the hon. Member for Morley and Rothwell (Colin Challen) is based cannot account for that cooling, and none of them predicted the constant temperatures that we have had for the past seven years.

Colin Challen: Will the hon. Gentleman give way?

Mr. Maples: No, I want to get on with my argument.

It is not the temperature itself that is important but the effects to do with water, food, coastlines and health, almost all of which are amenable to our ability to adapt. Anybody who doubts that should read Bjørn Lomborg's book, which is a seriously reasoned analysis of the costs of dealing with those issues through the Kyoto process and through adaptation. In almost every case, adaptation is the cheaper way to do it, in the sense that our living standards rise faster.

Mr. Tyrie: Bjørn Lomborg also does a pretty good demolition job on the whole issue of whether Kyoto was worth it. Does my hon. Friend think that the renewables commitment is a sensible way forward in this regard?

Mr. Maples: I was coming to that point. On, the Government's renewables target of 20 per cent., a leaked document went to *The Guardian* recently, which said that the Government's own predictions of the costs were between £18 billion and £22 billion a year. That is £400 a person, or £300 a week for every family of four in the country. All I can say is you run on that policy at the next election, and any party that does it—

Madam Deputy Speaker: Order. I am sure that the hon. Gentleman was not referring to the occupant of the Chair.

Mr. Maples: I expect that you will be corralled into it, too, Madam Deputy Speaker.

Let us take three points. Over the past 150 years, sea levels have risen by about 30 cm, which is the predicted rise for the next 100 years. Okay, it will happen slightly quicker, but we coped with that rise perfectly easily over the past 150 years so we can cope with it over the next 100 years. Secondly, we have urban heat islands. In cities, temperatures have risen considerably. The temperature in London has risen between 4 and 6° C since 1950, as it has in Los Angeles, Tokyo and other places. It is a fact of urbanisation called the global heat island effect. We know how to deal with that. If we are richer, we can have air conditioning. We know that if we put in more parks, water and trees in cities, we can cool them considerably. We know how to do that. We can adapt to that very successfully.

Hugh Bayley: Will the hon. Gentleman give way?

Mr. Maples: No, I am sorry. I want to make these points myself.

We are a very adaptable people, and we can achieve much more by pursuing economic growth, and as we are richer, applying the technology that we have and that we develop to deal with these issues.

In the 2003 heatwave, there was a huge amount of publicity concerning the 2,000 additional heat-related deaths in London, but every year 25,000 people die of cold in the winter. It is not just a one-way street—there are benefits of global warming as well as costs, and those are never taken into account in the visions with which we are presented.

The whole intellectual underpinning of the Government's policy is the Stern review. It was conscripted after they had come to their conclusions, which perhaps accounts for the methodology that Stern has used, and it has been comprehensively taken apart, as my hon. Friend the Member for Chichester (Mr. Tyrie) says. Stern is accused of exaggerating the science. A review by some very distinguished people in *World Economics* states:

"We consider that the Review is doubly deficient. The scientific evidence for dangerous change is, in fact, far from overwhelming, and the Review presents a picture of the scientific debate that is neither accurate nor objective."

Professor Nordhaus, whom my hon. Friend quoted, said in the Yale symposium at which Stern was present:

"The review's unambiguous conclusions about the need for extreme immediate action will not survive the substitution of assumptions that are consistent with today's market place real interest rates".

That is the rub. Stern has exaggerated the damages that will be caused. The hon. Member for Brent, North (Barry Gardiner) shakes his head, but he should read the Yale symposium document cover to cover. He will find that those criticisms are in there, and they are very trenchant indeed.

Mr. Tyrie: I have the Yale symposium document, and I completely agree with what my hon. Friend just said. Could he set out his view of the fact that Stern writes in no value at all for pure-time discounting?

Mr. Maples: The main criticism of the Stern review is the discount rate that it uses. It is quite difficult to work out what it is because Stern does not tell us, but, working backwards, it looks like about 1.3 or 1.4 per cent.

He gets that from saying that the value of our generation and the one living in 3,000 years' time is the same—there should be no pure-time discounting at all. He uses 0.1 per cent., but that is as close to zero as makes no difference. The Government's policy is based on Stern, and because he uses a time discount rate of 0.1 per cent., 5 per cent. of the benefits accrue more than 3,000 years in the future, with 93 per cent. accruing more than 200 years in the future. That cannot be a sensible basis for making policy. I am concerned about my children and the world that they live in, and about my grandchildren and the world that they live in, but I do not think that any of us are concerned about the generations that are going to be alive in 3,000 years' time. That is what we are being asked to pay for now.

Stern further compounds that error by saying that a sacrifice of 10 per cent. of one's income is the same to a rich person as it is to a poor person. That is effectively what he does, because the world will be much richer in 100 years' time than we are now, but he thinks that we should pay the costs now rather than leave richer generations to pay them in the future. That is like saying that in 1800 we should have legislated to make people living in dreadful conditions in the industrial revolution sacrifice part of their income so that we would not have the problems that we do 200 years later. That is the logic of the argument.

On top of that, Stern uses an incredibly low interest rate. The Treasury's benchmark for real returns on capital is 3.5 per cent., that of the World Bank is 8 to 10 per cent. and most American corporations achieve approximately 7 per cent., but Stern uses 1.3 or 1.4 per cent. Of course, such a figure makes future damage much more expensive than a higher figure. If one uses a figure of 4 per cent., the consequences are far fewer. A discount rate of 1.4 per cent. makes $1,650 in 200 years' time worth $100 now, whereas a 4 per cent. discount makes it worth 55c. One can take one's pick, but there is a huge gulf. Stern has picked interest rates at the lowest possible end of the spectrum.

Stern also compares one possible solution with doing nothing. One would expect such a study to compare a range of solutions. The most important IPCC scenario that he left out assumed high growth and lower fossil fuel usage—exactly the policy that we all want to pursue. He picked and chose his scenarios and his data, and he chose a low interest rate.

The only argument for acting radically now is if there is a tipping point—a point of no return. None of the scientists whom I have read predicts that.

Some man-made warming is going on. It is worth taking action now: a price mechanism through carbon tax, energy efficiency and nuclear power are worth pursuing, especially nuclear power. Research into alternative power sources—fusion, carbon capture and adaptive strategies—is also worth conducting. The Stern review is worth recasting along the lines that I suggested. However, if we go down the road that we are following, we sacrifice a huge amount—perhaps 1 or 2 per cent. of GDP—now and for ever, for a problem, most of the consequences of which will not be felt for 200 years.

8.41 pm

Rob Marris (Wolverhampton, South-West) (Lab): I welcome the Bill and I accept that human activity is affecting the climate adversely. I am not a flat-earther and I welcome the Government's leadership, especially that of the then Deputy Prime Minister at Kyoto. However, I do not accept tonight's cosy consensus.

The cuts in CO_2 emissions are measured against a 1990 baseline up to 2050. We are 30 per cent. of the way into that period, and there has been roughly a 30 per cent. change in CO_2 emissions on a world level in that time. However, it is a 30 per cent. increase, not a 30 per cent. cut. United Kingdom per capita emissions are up since 2000. According to the National Audit Office, the Government have increased their emissions. Between 2003-06, the Department for Transport showed a 50 per cent. increase in emissions; between 2000-06, the Department for Constitutional Affairs showed a 66 per cent. increase; and the Department for Work and Pensions—the second biggest consumer of energy in the civil estate—increased its emissions by 14 per cent. between 2000-06.

Oil prices have increased massively, not because production has decreased but because demand has increased—we are burning more of the stuff. We need to consider what has to be done to get anywhere. The Paris-based International Energy Agency told the Bali conference on climate change that in the world we need 30 new nuclear power plants, 17,000 wind turbines, 400 biomass power plants, two hydroelectric dams, each the size of the Three Gorges project in China, and 42 coal or natural gas plants using carbon capture or storage if we are to cut emissions by 50 per cent. by 2050. We need all that by 2013, and we need it every year from 2013 until 2030.

We have heard arguments in the Chamber and outside about an 80 per cent. cut. They are presented with the best intentions. However, it is not a piddling up the wall contest, but reality. I say to hon. Members, "Wake up and smell the coffee." We are not going to achieve 80 per cent.—it will be hard to reach 60 per cent., if we consider the number of air trips our constituents make or the simple fact that most Members and their staff will not even turn off the lights in the toilets in Portcullis House.

I learned about greenhouse gas effects at university in 1974. By that token, many hon. Members are speaking with the zeal of recent converts. The 80 per cent. figure represents gesture politics, albeit from the best intentions. As far as I know, the youngest Member is the hon. Member for East Dunbartonshire (Jo Swinson), who was here earlier. In 2050, she will be 70 years old. It is unlikely that she will be an active politician then.

There has been an over-emphasis in this debate, with 17 Back-Bench speeches before mine, on causes. Of course causes are important, but in opening the debate, the Minister almost spent longer on plastic bags than on adaptation, which many hon. Members know I have a thing about. It was the same with the Conservative and Liberal Democrat Front Benchers.

The under-emphasis on dealing with the effects is nonsense, because the effects will come anyway, almost regardless of whatever we do, because we are responsible for only 2 per cent. of emissions. Yes, we need to show leadership, but the effects are coming anyway. Amazingly, I have a lot of sympathy with the right hon. Member for Hitchin and Harpenden (Mr. Lilley) on the unilateralist approach, which could mean that we take our eye off the ball on the adaptation that we need to engage in.

[Rob Marris]

Various agencies and others are getting their teeth into adaptation, but not the Government, or at least not enough. They include the Environment Agency, the Association of British Insurers, the European Union, which has produced an excellent report, the Met Office, the British Beekeepers Association, the Marine Climate Change Impacts Partnership, the Wildlife Trusts, the Local Government Association, the Oxford Research Group and so on. Lots of people are doing stuff on adaptation, but the Government have just one clause on it, following my private Member's Bill. That clause, which was clause 37 in the draft Bill, has, thank goodness, been expanded to 14 clauses, after what was inserted in the Lords, in order to adapt to the climate change that has already started and which will get worse, whether we on this small island go for 50, 60 or 80 per cent.

Those effects mean the effects on wildlife, plants, food production and pests and of diseases such as malaria coming to this country, and they will affect issues such as building design and planning regulations; roads and railways, with rails buckling in the heat; water supply, with a need for new reservoirs; what we have to do about coastal defences with rising sea levels; inland flooding, which we saw dramatically last year and which will only get worse; possible civil unrest and its security implications, which other countries and, potentially, we will face; and international development. That is an entire adaptation agenda, which has been almost completely overlooked not only in this debate, but for all the time that we have been talking about climate change.

I have been campaigning on adaptation for two years. The Government are starting to get it, but like Dickens's Oliver, I want a bit more. Specifically, I want a bit more than the Minister spending 35 or 40 minutes opening the debate, but spending just two minutes on adaptation. There needs to be a whole lot more on adaptation, because adaptation is within our control. World emissions are not within our control, and only a complete ostrich or fantasy altruist would think that they were. Of course we try to show a way, but adaptation is much more important, because it is about what happens on these islands.

It would be much better if the relevant clauses in the Bill asked for three-yearly reports, not five-yearly reports. I do not want five-yearly reports on adaptation; I want three-yearly reports. I want the first report within one year, not within three years. And for goodness' sake, why do we have a sub-committee of the Committee on Climate Change dealing with adaptation, when it is at least as important to deal with the effects in this country as it is to deal with the causes? I say this to the Minister here now: it is complete nonsense to have a sub-committee dealing with adaptation. We need the full membership of the Committee on Climate Change to deal not only with causes, but with effects.

8.48 pm

Hywel Williams (Caernarfon) (PC): I welcome the Bill on behalf of Plaid Cymru and the Scottish National party. I am speaking in this debate as a substitute. Had the circumstances and timing been different, my hon. Friend the Member for Angus (Mr. Weir) would be speaking. He is hoping for a place on the Public Bill Committee.

Combating climate change has been a central part of my party's policy and that of the SNP for many years. Indeed, a former colleague in this place, Cynog Dafis, who has spoken eloquently on such matters, was the first to reach the House of Commons on an overtly green ticket, being elected in 1992 as the official Plaid Cymru and Green party MP for Ceredigion.

The Bill, if strengthened by Lords amendments and any amendments accepted in Committee, will be a major step towards preventing catastrophic climate change. The Bill commands wide support and has been the subject of much of the mail that I have received in the past few years. From speaking with other hon. Members, I know that my constituents in Caernarfon are no different from those in other parts of Wales and the UK. Furthermore, the Bill is supported by a wide range of campaigning bodies, academics and non-governmental organisations.

Only this morning, I received a further brief from Friends of the Earth. As far as I am concerned, it is also important that Christian Aid has made climate change a foremost element in its campaign to eradicate poverty and injustice. Last October, I was proud to walk with thousands of other people from City Hall through central London to St. Paul's in support of the 18 marchers who had walked 1,000 miles in the "Cut the Carbon" march. There was a great deal of public support for that.

We in Plaid Cymru and the Scottish National party support the key changes that the United Nations Development Programme has said are necessary, particularly the overall target for an 80 per cent. cut in emissions by 2050. Mindful of comments made today, we also support the shorter-term targets and, indeed, the very short-term targets of the three years mentioned by the hon. Member for Wolverhampton, South-West (Rob Marris). We also support the inclusion of international aviation and shipping emissions, although I note the Minister's earlier statement. I am a signatory of early-day motion 736. As it states, if the Bill were applied to every developed country without those elements, global temperatures would rise well beyond the 2° C limit. Perhaps the Under-Secretary will tell us her estimation of the rise in temperature if we stick only to the 60 per cent. target. Friends of the Earth has said:

> "The test for the Climate Change Bill is whether it reduces UK emissions to a level which, if replicated in all developed countries, would keep the globe inside the 2° C limit."

Climate change is not a concern limited to enthusiasts. Some people in my constituency are very concerned. I recently met a constituent, Mrs. Gaffey, who has a waste disposal firm and was concerned about the effect of climate change. She wondered about the availability of landfill in the constituency and pointed out that her firm had been recycling as much as possible for many years in order to limit the use of landfill and also because she was concerned about the effect on the environment. We support mandatory reporting of carbon emissions by business. It would be good if business reported greenhouse gas emissions simply as a matter of good practice, but transparency and standardisation in reporting is essential, as there is a lack of quantifiable, publicly available information.

Briefly, on the devolutionary aspects of the Bill, I note in passing that Welsh coal powered much of the industrialisation of the 19th century and that we share

some of the responsibility for it. We also welcome the Bill's recognition of potential differences across the UK, and the House should note that the Scottish Parliament is already in the process of producing its own climate change Bill to drive change towards an 80 per cent. reduction in respect of all six greenhouse gases. We look forward to the Bill being presented to the Scottish Parliament towards the end of the year.

As to Wales, we welcome the provisions for consulting on targets and budgets and on reporting requirements and guidelines for local authorities. We also welcome the possibility of establishing trading schemes within Wales and we certainly want to see the Committee on Climate Change giving advice to all UK Administrations. We are certain that the concordat on roles and responsibilities must be strong, clear and detailed.

8.53 pm

Mr. David Kidney (Stafford) (Lab): It is valuable to hear sceptical voices in the debate, because when there is a consensus it is important to test the arguments to the limit. I would not criticise anyone who has put forward a contrary point of view. I would ask those on each side of the debate to ask themselves, "What if I am wrong?" The consequence of taking urgent and drastic action now, which I propose we should, may have an economic cost, but it will bring in return a lower dependence on finite fossil energy resources. There will be an increase in resource efficiency, which will improve the atmosphere and biodiversity as a result. To me, those are desirable outcomes.

Along with the science and the effects on the environment, we should take some other considerations into account. One of those is growth in the earth's population, which is already past 6 billion and forecast to be 9 billion by 2050—more mouths to feed, more demands on limited resources, and more demands for wealth, jobs and the ability to buy things. We must take that challenge into consideration. The further challenge is that while we deliberate on what action to take, investment decisions are being made about the future. We are in danger of laying down a second carbon economy while we decide what action should have been taken. That is another reason why urgent action is required.

On the crucial issue of the targets for 2020 and 2050, and the other issues between us, I ask people to bear in mind the fact that the eventual wording of the Bill, which is a forerunner and the first of its kind in the world, will determine the credibility of the final law with people beyond the Chamber, and with UK citizens whom we want to change their behaviour in order to contribute to a low-carbon future. It will also determine our credibility in the eyes of other countries and Governments around the world whom we want to follow our example, and of those who make investment decisions on whether to go for a carbon or low-carbon future. In the years that follow our decision on the Bill, those investment flows will make the biggest difference to the future. I therefore ask for cautious wording to be adopted on the crucial issues that have been dividing us tonight.

The Bill has just the one instrument: emissions trading. It is important to bear it in mind, however, that the Bill anticipates not just one emissions trading scheme, but a whole series in this country and hopefully around the world. If the Stern approach to achieving a low-carbon future through the price of carbon is adopted, it is important that emissions trading schemes are successful and credible with markets. As other Members want to speak, I have insufficient time to discuss the tools that are not in the Bill. Clearly, however, when we announce a carbon budget next year, and an action plan for five years, all those other instruments—economic instruments, regulation, education, publicity and, hopefully, media support—will come into play.

On the specific issue of power generation, 30 years ago Germany chose the route of a feed-in tariff to promote greater renewables use, whereas this country chose the route of obligations—the non-fossil fuel obligation, and now the renewables and renewable transport fuel obligations. I do not say that they were right and we were wrong, but given this summer's consultation about feed-in tariffs, and all that we have said about smart meters during consideration of the Energy Bill, I hope that this country can at least graft those on to our existing tools as part of our solution.

8.58 pm

Mr. Michael Jack (Fylde) (Con): The Environment, Food and Rural Affairs Committee, which I have the honour of chairing, welcomed the Bill. In its report, it indicated ways in which the Bill could be improved and strengthened, and some of those suggestions have been acted on by the House of Lords. If for no other reason than it provides some domestic self-discipline in our attitudes towards emissions reduction, the Bill has merit. To date, in spite of the Government's endeavours, we are effectively running behind the trajectory that the Bill establishes, and that we have already established as a target for our emissions reduction.

Effectively, the Bill puts the rigour of law behind the setting of targets. Targets are what they are—they are where we would like ideally to be. Through the establishment of the Climate Change Committee, the Bill attempts to provide advice to the Government about how to achieve those targets. The way in which the committee provides its advice will, in my view, be crucial to the domestic effectiveness of the legislation. We currently have no clear plan for achieving emissions reductions in, for example, heat production and transport: our proposals in those areas lack the detail that we tend to include when becoming excited by discussion of electricity generation.

Some have described this as an isolationist approach. I would describe it as different, but if it does one thing it is to add to the credibility of the voice of the United Kingdom in the international forums that will be so vital if the world is to get to grips with the whole question of climate change. Whatever the science says, whatever the numbers say, making the best possible use of our scarce resources—in this instance, carbon—is essential at this time.

Last week I had the pleasure of attending the food and agriculture world summit in Rome, which discussed food supply. I can tell anyone who wants to know where international consensus can be found that there is such consensus on the effects of global warming on the supply of food to the billions of people who live on our planet. Any of us who may want to play fast and loose with the responsibility of feeding the planet should bear it in mind that they ignore the rise in global temperatures at their peril.

[Mr. Michael Jack]

Even if it is for no other reason than the precautionary principle, it makes plain common sense to ask—nationally, within Europe and at a world level—what we can do to address that risk. If we do not ask that question we should be reminded, in the nicest possible way, that most of us will not be around in 2052, when the Bill tells us that, if we miss the target, the hapless Secretary of State of the day will have to come to the House and present a report explaining why we missed it.

If the worst-case scenarios of the scientists are realised we will be in deep trouble, and optimising the use of our resources in the meantime is, again, plain common sense. The carbon committee's role will be vital, not just from the United Kingdom's standpoint. It will provide advice on dealing with all the carbon trading activities that will take place in the European Union, and on input to the successor to the Kyoto treaty.

At the meeting in Rome last week, I listened to what was said by delegates from the United States. One speaker told us that the United States took climate change seriously, that it was in the lead with all kinds of mitigation policies, and that it had reduced its emissions in relation to the growth of its economy. I must admit that I blinked and wondered whether I could believe what I was hearing, but in about six months that could be the reality. A new American Administration could change things dramatically. I want to make certain that the United Kingdom is at the top table, with a credible position and able to influence that new Administration. Unless the United States is engaged in the climate change agenda, we shall not be able to make the necessary progress with the successor to Kyoto and deal with the difficult issues of Chinese and Indian emissions.

When it comes to the setting of our domestic budgets, we must bear in mind the fact that we are allowed a certain quantity of carbon emissions until 2050. The carbon committee's decision on whether we should have a "ski slope trajectory" or a "cliff edge" solution will be vital to how we reduce our domestic emissions, and it is important for the committee to make clear at an early stage how it will tackle that aspect.

I should like the Bill to specify the involvement of Parliament in discussions of the Secretary of State's reports. As the Bill stands, the Secretary of State will report on the achievement or non-achievement of the targets in response to the Climate Change Committee's report, with Parliament effectively sidelined. The only sanction on Parliament is the need for it to make certain that our carbon budgets are balanced. I should like a mandatory requirement for a climate change debate, allowing the court of opinion to be represented through the expression of views in the House of Commons.

Finally, I ask the Department for Environment, Food and Rural Affairs to make certain once and for all that we in this country can see who within Government is in charge of the climate change debate. I would like there to be a Cabinet Minister for climate change—somebody who can bring together all the elements of this subject to ensure that there is genuine coherence of policy as we pass this Bill.

9.5 pm

Barry Gardiner (Brent, North) (Lab): I am delighted to follow the right hon. Member for Fylde (Mr. Jack), who has echoed some of the very sensible remarks of his party colleague, the hon. Member for South Suffolk (Mr. Yeo). It is interesting that we can have such intelligent cross-party debate on this issue in the Chamber, while at the same time there is an undercurrent theme from the Opposition Benches which is utterly antediluvian—as represented by the hon. Member for Chichester (Mr. Tyrie) and the right hon. Member for Hitchin and Harpenden (Mr. Lilley). I just pray that the right hon. Member for Fylde and the hon. Member for South Suffolk represent the true position and authentic voice of the Tory party on the issue.

Climate change is real. It is caused by human action, and it is already affecting the lives of millions of people throughout the world. If climate change is a fact, it is also important that we outline two others. Economic growth can, will and should continue. Often when I speak with the environmentalists, they seem to regard economic growth as the enemy; it is not, and let me explain why. Over the past two centuries, Europe and north America have managed through economic growth to raise almost one third of the population of this world out of a life of hunger, hardship and disease. In the past two decades, another third of the world's population, mostly in Asia, has found that escape route, and they, too, are transforming their lives through economic growth. In the coming years, the final third will be looking to make their escape as well, and no environmentalist, and certainly no politician, will be able to stop them, and in the interests of justice no one should try. I echo the remarks of the right hon. Member for Fylde when he spoke about the world food summit. For every 1 per cent. rise in food prices, 16 million extra people go to bed hungry every night. That demonstrates the seriousness of the challenge.

The second inescapable fact is that there comes a point when the continued emission of greenhouse gases into our atmosphere will so fundamentally affect ecosystem services that human life becomes unsustainable—or to put that into the language of the Intergovernmental Panel on Climate Change, we must drastically reduce greenhouse gas emissions to stabilise the world climate.

Let me explain why I prefer to talk in the language of ecosystem services rather than of climate change. In and of itself, change in climate would not matter. What matters is that the pace of change is so fast that biodiversity cannot keep up with it. As biodiversity declines, ecosystem services fail, and it is the ecosystem services that matter and the biodiversity upon which they are based. I guarantee that tomorrow some "intelligent" member of the press corps will quote the UK Prime Minister's special envoy for forestry as saying that climate change does not matter, but I hope that, in this Chamber, I will have conveyed the truth.

Those two inescapable facts lead us to one imperative for action: we must raise the level of carbon productivity—the amount of wealth generated per tonne of CO_2 emitted. In order to maintain the current global economic growth rate of 3.1 per cent. per annum while reducing emissions to about 20 gigatonnes by 2050 and 10 gigatonnes per year thereafter—that is consistent with a 450 to 500 parts per million stabilisation scenario—carbon productivity must increase by a range of between eightfold and fifteenfold by 2050. Without that major increase in productivity, maintaining ecosystem services will become impossible, for let the rich world take note that there will be no sharing of the environmental space if there is

no sharing of the development space—there will be no sharing of the environmental resources unless there is a sharing of the development commitment, and in particular of the adaptation commitment.

Achieving an eightfold to fifteenfold increase in carbon productivity will require radical and wholesale changes in the world economy at both macro and micro-economic levels. I would like to go into some of those, but time does not permit that, as colleagues wish to contribute. There are five clear areas of work, however: energy efficiency; decarbonising energy sources; accelerating the development and deployment of new technologies; changing the attitudes and behaviour of managers and consumers; and preserving the world's carbon sinks.

Let me end by describing that world in 2050 as it will be when I die, aged 93. Estimated global population projection: 10 billion people. To maintain ecosystem services: emissions limited to 20 gigatonnes by 2050, declining to 10 gigatonnes thereafter to achieve that stabilisation goal. That means an average of 2 tonnes per person per year, declining to 1 tonne—so low that there is no scope for any large group to depart significantly above or below it. Current emissions are about 11 tonnes per capita in the EU, 25 tonnes in the US and already 5 tonnes in China.

That gives us three options for the future. The first is to accept injustice, with some developed countries continuing to demand more than an equal share of the world's finite resources, which is possible but—I hope that we all think—unacceptable. The second is to increase carbon productivity still further beyond the fifteenfold increase already discussed. The third is to reduce population—something that politicians in developed countries are very reluctant to discuss, but which Governments in developing countries have already taken on board.

People are very keen to accuse China, as we have heard in this debate, over their coal-fired power stations. Such people fail to commend the political initiative that has seen 400 million people not being born to create a carbon footprint in the first place. We need to take the issue of population seriously. It is the third element of the triangle, and it should be incorporated in this Bill.

9.11 pm

Martin Horwood (Cheltenham) (LD): I am depressed by the re-emergence of such forceful Conservative climate change scepticism during this debate, but impressed by the emerging consensus among all three major parties regarding support not only for this Bill but for a stronger version of it.

I stand here to honour a pledge to my constituents to fight for binding targets for greenhouse gas reduction. I stand in the tradition of a party and, more importantly, a green movement that I have counted myself a member of for nearly 30 years, and that tried for decades to draw the attention of Governments to the seriousness of the crisis that we faced. I stand here finally as a parent, so that I can look my children in the eye when they are older and tell them that I played my part in the attempt to stop the catastrophe when there was still time.

The omens, however, are not good. The Bill contains the 60 per cent. target, which was based on the royal commission report from 2000. It based that, in turn, on the assumption that stabilisation at 550 parts per million was sufficient to contain global warming within 2° C above pre-industrial levels. However, by the time the Stern report was published, those numbers were already out of date. The Hadley centre, which was mentioned earlier by a Conservative Member, is quoted in the Stern report as saying that at 550 parts per million, the probability of exceeding 2° C is 99 per cent. Even at 450 parts per million, the probability of exceeding 2° C is 78 per cent. The more conservative IPCC figures put the figure at 38 per cent. That is a risk that I would happily bet on if I was betting on a horse at the Cheltenham races; it is not one I would bet on for the future of the planet.

Let us remind ourselves what exceeding 2° C of global warming actually means. Contrary to what some Conservative speakers have said today, there was a scientific review in Stern and it pointed out what the impacts of exceeding 2° C would be. It said:

"Significant changes in water availability...Possible onset of collapse of part or all of Amazonian rainforest...Many species face extinction (20-50 per cent. in one study)...Rising intensity of storms, forest fires, droughts, flooding and heat waves".

In the non-physical—in the political—realm, we can predict political and social conflict worldwide, and inevitably millions of deaths.

The truth is that the IPCC science is relatively conservative. It is based on consensus and old science, and the new science is if anything more worrying. Let me give just one example, as there is little time. A meta-study published in *Nature* last month examined 28,800 datasets that might reveal climate impacts on animals and plants worldwide. Some 90 per cent. revealed alterations in the direction expected as a response to warming. Some 95 per cent. of the datasets, which were linked to physical changes such as retreating glaciers, painted the same picture.

Those massive changes may induce physical feedback mechanisms to make the situation rapidly and unpredictably worse. Such mechanisms include changes in carbon absorption patterns in our oceans and soils, reduced reflectivity as white Arctic ice is more rapidly replaced by dark ocean, ice caps in Greenland and Antarctica accelerating their own melting much faster than we had first predicted, and a loss of biodiversity. The recent report by Robert Hazen of the Carnegie Institution for Science noted the added threat of deep reserves of greenhouse gases—carbon and methane—running into trillions of tonnes in the deep ocean floor and in the permafrost contributing to those feedback mechanisms. As a result, organisation after organisation is making it crystal clear that the 60 per cent. target is not enough.

I was going to cite many organisations, but as many have already been mentioned, I shall refer to just one. WWF, which knows a little about biodiversity, has cited a recent analytical study by Ecofys for DEFRA, concluding:

"An 80 per cent. target in the Climate Change Bill would therefore be at the bottom end of the range recommended by Ecofys. A 60 per cent. target would completely fail to deliver the 2° C pathway that the Government supports."

If that is not enough, Sir Nicholas Stern says:

"For a 50 per cent. reduction in global emissions by 2050, the world average per capita must drop from seven tonnes to two or three. Within these global targets, even a minimal view of equity demands that the rich countries' reductions should be at least 80 per cent.".

[Martin Horwood]

He is right to talk about equity, and other quotes that I could have cited mention burden sharing. This is not just a scientific decision; as some hon. Members have said, it is a moral and political decision. It is about what share of responsibility the United Kingdom and the other developed countries are prepared to take for their share of emissions.

I am pessimistic enough about this Government's ability to take action and conscious enough of the need for a clear target for industry and the private sector to be in favour of a 100 per cent. reduction target. However, I am prepared to compromise at 80 per cent. for this Bill—I believe that that is the consensus in many parts of this Chamber. I am disappointed that the Government and the Conservative Front-Bench team are still stuck at 60 per cent., and I hope that we can change their minds, not least because the UK has huge geophysical resources for renewable energy, and enormous talent and entrepreneurial potential. We should be a world-leader in the fight against climate change, not a laggard.

The right hon. Member for Edinburgh, East (Dr. Strang) rightly said that we needed strong, early action. I am reminded of the note written by Churchill during world war two when he was presented with evidence that radical investment in code breaking could significantly shorten the war. It simply said, "Action this day." We now face an even greater, even more serious and even more global crisis than world war two. We need to move on to a war footing against climate change. We need action, and not only by setting targets in this Bill. The rest of the Government need to act on international trade, energy, transport, housing and taxation, and they need to refuse applications such as those for a third runway at Heathrow or for a new power station at Kingsnorth without carbon capture. We need action this day.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. Winding-up speeches are due to commence at 9.30 pm. If hon. Members can be concise, all may still be successful in catching my eye.

9.18 pm

Alan Simpson (Nottingham, South) (Lab): This, internationally, is a groundbreaking Bill, which if we give it teeth, could also be an Earth-changing one. I am pleased that tonight's debate has not turned into a parliamentary love-in to welcome the Bill, because the purpose of Second Reading must be for us to set out the basis on which to have serious arguments among ourselves about the deficiencies of the Bill. Those arguments may then be rehearsed in Committee, but ultimately they will be tested back in this Chamber on Report. We need to be honest about a determination on the part of the House to make this a Bill with teeth.

The context in which the debate is taking place is a world spinning into a multiplicity of crises. We face not only the climate crunch, but a credit crunch, a food security crunch, a water supply crunch and an oil crunch. We are told by the International Energy Agency that oil prices are expected to exceed $150 a barrel within a month. We have been warned by OPEC of the likelihood that oil prices will exceed $200 a barrel by the end of the year. That will have a huge and unavoidable impact on food prices, food supply, energy and production. Those are non-negotiable changes which we are trying to address in this Bill. The real danger globally is that we may face a series of meltdowns in global systems. If that is the case, we will be forced into a fundamental rethink about how a world that can support human life can work.

The scientific consensus is that there tends to be a 30-year delay in the environmental impact of the damage that we do now. So for the next 30 years, we cannot undo the damage that is in the pipeline: we are stuck with it. Whether the changes are driven by human impacts or solar cycles, the rate of environmental damage is accelerating. The challenge is what we do to address that. We should not be arguing about the 2050 targets, but about the 2015 or 2020 targets. That is what the scientists told us in Bali. Fundamentally, the whole shape of this century will be determined by what we do within the next five years, or 10 at the most. A figure of 26 per cent. carbon savings by 2020 is 10 per cent. short of what we need, so we need to raise the short-term targets.

The lesson that the Government have to learn is that when we have been shy about setting tough year-on-year achievement targets, we miss the milestones that we set for ourselves—on child poverty and fuel poverty eradication for the most vulnerable by 2010. Unless we take the hard decisions now, we may not be in a position to take any meaningful decisions by 2020.

We have to address new realities about the nature of the crunch. One is that everything that is non-renewable and depleting will spiral in price from now on. If there is anything that stands a chance of saving the poor it is a fundamental shift towards the sustainable and the renewable.

I must disagree with several parts of the Bill. The first is mandatory reporting standards. We cannot have an objective shift on the scale that we need if everyone is making up the standards as they go along. If even the CBI says that it supports that, so must we. The second is targets and how we meet them. The targets have to be domestic. We have to move away from the presumption that we can pay someone else to meet them. If a Member of Parliament were stopped by the police and found to be driving three times over the alcohol limit, they could not give the excuse that although they might be blind drunk at the wheel, they had sponsored a man in Botswana to stay at home sober. That would not get them off the rack. We have to be held to account for the dangers that we present in how we drive our economy, as we are when we drive our cars. We are the danger on the road to survival and we have to change our behaviour ourselves.

The third area is aviation and shipping, which have to be added to the Bill, even if we simply factor in their carbon impact. If the Government insist that those two sectors have to have their impact covered by other people, at least their impact has to be added to the equation, as the royal commission required in 2000.

Trading emissions is the Mickey Mouse idea of our time. A study of the effectiveness of CFC and HFC reduction programmes in the developing world found that they cost $5 billion in carbon credits, but it would have cost $100 million just to give the countries the

money to do the clean-up directly. We need to choose the transparent and the simple method, not the complex and speculative.

The issue on reporting is not the competence, integrity or commitment of DEFRA Ministers. It is the commitment of the Government as a whole. In that context, everyone knows that the obstacles will not come from officials in DEFRA. They will come from the Treasury, which is where they have always come from. If anyone is going to throw a spanner in the works, it is the Treasury. If that is the case, the person who has to be accountable is the Prime Minister. This is about leadership from the Government as a whole. If the Prime Minister wants to take hold of the issue and say to the House and to the country, "The buck stops here", the response that he will get from outside is, "You bet your life it does!"

9.25 pm

Mr. Gary Streeter (South-West Devon) (Con): I shall restrict my remarks to three minutes to allow others to get in.

First, I want to place on the record my broad support for the Bill. I congratulate my right hon. Friend the Member for Witney (Mr. Cameron) on his leadership on the issue during the past two years. My support comes with two caveats. First, the Bill must be seen in the context of a multilateral necessity. That is crucial. We are legislating today to have a serious impact on our domestic arrangements, and so I want the Government to demonstrate that they will redouble their efforts to ensure that global action is taken around the world by all countries and all Governments. In particular, I want them to seize the opportunity afforded by the US elections in November to have a dialogue with the new Administration to ensure that there is leadership on the issue from the US. We need to ensure, too, that the EU, which interferes unnecessarily in our lives in so many areas where we could do things unilaterally, takes some leadership in the one area in which we want it to. Collectively, it should meet the highest standards in reducing carbon emissions, particularly as we move towards Copenhagen.

My second caveat has been mentioned before. All the Bill does is introduce targets and a committee. That is fine, but we want to see the meat of the action that will be taken to change people's behaviour in this country. I want to read a letter from some of my constituents, and if it takes the rest of my time it is worth doing. I received it this morning, and I ask the Government to listen, please. Some of the things that they have been doing with vehicle excise duty have not changed behaviour but hurt the poor. The letter reads, "Mr. Streeter, we are against the increased excise duty being applied retrospectively. My husband is disabled and his choice of car is governed by his ability to get in and out of a particular car. He bought his car in May 2003. We use it frugally and average 3,000 miles per annum, so our impact on the environment is minimal. We are pensioners and the proposed hike from £210 this year to £430 in 2010 is absolutely appalling. We cannot afford to change our car and anyway this retrospective taxation would make our current immaculate low-mileage vehicle all but worthless". So they go on.

We cannot support action dressed up as a green tax when it is only effectively a stealth tax. It has to change behaviour. The fact that the VED changes go back to 2003 does not provide any opportunity to change behaviour and they clobber the poorest. I support the Bill, but the measures that flow from it must be genuine green taxes and should not give green taxes and green measures a bad name.

9.28 pm

Mr. David Chaytor (Bury, North) (Lab): The hon. Member for South-West Devon (Mr. Streeter) has highlighted the most important point this evening. I want to reiterate the sense of my earlier intervention. I welcome the fact that we now have all-party consensus on the objectives and nearly on the targets, but unless we develop all-party consensus on the mechanisms we will not go anywhere. We have a problem when Conservative Back Benchers resist measures that might not be perfectly fine-tuned, but must in principle be part of the solution — that is, affecting the demand for private transport. Whether we are talking about variable vehicle excise duty or road pricing, the decisions are difficult but there is no point in anybody putting their hand on their heart and saying how green they are and then turning away when the difficult decision comes. I am the first to agree that some fine-tuning of the proposed changes to vehicle excise duty might be necessary, but the principle behind the proposals is absolutely right. They are absolutely consistent with the Bill.

I welcome the main provisions of the Bill. I have followed the development of climate change debates in the House over 11 years, from the time when barely two or three Members could be found who wanted to contribute to the debate. Of course, in those days, climate change was seen as a peripheral issue, which was a little bit about the environment and a little bit about the natural world. Gradually, people came to understand that it was also perhaps about social justice in this country and abroad. Gradually, it came to be seen as a matter of economics. Of course, the Stern report was crucial in that. Now, the environment is seen as an issue of security and survival. We should not underestimate the seriousness of the threats that we face. That is why the radical nature of the Bill and the legal framework that it proposes are so important.

Although the Opposition sceptics feel strongly about the Bill, we must understand that whether or not the precise scientific projections and the precise economic analysis are correct is almost beside the point, because things change so quickly. I generally accept the science put forward by the IPCC, but I do not believe for a minute that today's scientists can accurately predict what will happen in 2050. I broadly accept the economic arguments in the Stern report, but I do not believe for a minute that it is possible to calculate precisely the economic benefits or disbenefits of specific actions.

We must take it on trust that climate change is happening. We have seen the impact on poor people around the world, in the small island states and China's agricultural regions, which are now subject to desertification, and we have seen what is happening in Darfur. Therefore, I welcome the principles behind the Bill. I hope that the Government will be sensitive and flexible in dealing with amendments in Committee.

9.31 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): I shall take one minute to make one point to the Government. I recently served on Committees that considered two

[Mr. Nick Hurd]

major measures: the Criminal Justice and Immigration Bill and the Housing and Regeneration Bill, which were transformed in Committee by the Government's own amendments. I seek reassurance from the Minister that the Government have thought the Bill through and that, in Committee, we will not dilute the Bill's core value, which is as a framework Bill that will send a clear signal to the markets about the changes that we are making to the way we set and revise targets and hold the Government accountable for those targets. That is what the markets want to hear; that is what they will base their investments on. Let us not dilute the Bill by applying the kitchen-sink principle to taking it through Committee.

9.32 pm

Gregory Barker (Bexhill and Battle) (Con): This has been an historic parliamentary occasion. Certainly, the scale and the nature of the planetary crisis that the Bill seeks to address is simply without precedent, as we were reminded by the hon. Member for Nottingham, South (Alan Simpson). As the excellent speeches in the debate from hon. Members on both sides of the House have made clear, humankind is walking into uncharted territory as it attempts to avert climate chaos. But the framework of the Bill, which seeks to set clear targets for successive Governments to reach all the way to 2050, is unique, so vigorous, healthy and challenging parliamentary debate, the sharing of wisdom and the robust analysis of both the threat and our response to it are not only welcome but absolutely vital.

Let us be honest: the gargantuan scale of climate change is daunting for us all, and the science already tells us that we can be by no means certain of avoiding the worst effects of man-made global warming. As we were reminded by the hon. Member for Wolverhampton, South-West (Rob Marris), preparation and adaptation must be important elements of this framework Bill. However, as the Bill continues its passage through the Commons, the House can expect a consistent approach from Conservative Front Benchers. Under the leadership of my right hon. Friend the Member for Witney (Mr. Cameron), we will continue to be relentlessly optimistic, persistently ambitious and repeatedly long term. But tackling dangerous climate change effectively will be a real test for all Britain's political leaders.

Nigel Griffiths: Will the hon. Gentleman give way?

Gregory Barker: No, I will not give way.

It is incumbent on every political party not only to make the case for action, but to endeavour to bring the public along with us as we go. We must strive to build the broadest coalition and to find a sense of common purpose that has united our nation in the face of great challenges in times past, not because we want to squeeze out dissent or to create a cosy back-slapping consensus but because we must chart a course that will outlive not just this Government but successive Administrations for decades to come, whatever their political colour.

Britain will be fighting this battle long after the last of us has left Westminster, and the current Parliament has just a couple of years to run, at most. The next Administration and those that come after it will need to show genuine leadership, demonstrate real vision, and commit to the long-term strategy inherent in the Bill if the United Kingdom is to stand a real chance of playing its full part in the international battle to keep global warming to a rise of less than 2° C on pre-industrial levels.

I hope that the debate has sent a clear message to the sceptics, pessimists and doom-mongers who suggest that we have to choose between economic growth and going green. The notion that in the 21st century we have to choose between the two is outdated and backward-looking. Many of the most urgent steps that we need to take to reduce dependence on fossil fuels are sensible and desirable in themselves, regardless of the climate change imperative. The idea that man's ingenuity and talent cannot take us past the age of expensive, polluting fossil fuels is profoundly short-term and unambitious. In fact, building a more sustainable economy is an investment that we can ill afford to delay. As many speakers have pointed out, in an age of rapidly depleting and exhausted natural resources, far from diverging, the worried consumer and the campaigning environmentalist should be marching together, arm in arm.

Nigel Griffiths: Will the hon. Gentleman give way?

Gregory Barker: I will not, I am afraid.

Anyone filling their car at the pumps, anyone with a heating bill to pay, anyone with an electricity demand popping through their letterbox is right to be worried by the relentless rise in the price of fossil fuels. This evening, the spot price for oil stands at a record high of $139 a barrel. Some analysts at Goldman Sachs speculate that a barrel of oil could hit $200 by December. Today, the spot price of coal hit $175, a staggering increase from just $63 two years ago. Gas now stands at $77 per barrel of oil equivalent, up from $29 in 2007—an increase of 166 per cent. in just over a year.

Whatever the short-term price fluctuations, it is absolutely clear that the era of cheap fossil fuels is over—a sentiment echoed this morning by the chief executive of BP. We will not just stumble on replacements for hydrocarbons or easily wean our businesses and consumers off dependence on oil and gas; that will require clear leadership from future Governments. The Bill is an important step in that direction, which is why the CBI strongly supports it and considers it to be a critical tool for making climate change an urgent, shared national priority for companies, consumers and Government.

Nigel Griffiths: Will the hon. Gentleman give way?

Gregory Barker: I will not, because I have very little time.

There have been some terrific contributions to the debate. My favourite has to be that of my right hon. Friend the Member for Penrith and The Border (David Maclean), who has been a parliamentary hero of mine since I first served under him in the Opposition Whips Office. His powerful defence of the rain forest, which he called the lungs of the earth, elevated him yet further in my eyes. My hon. Friend the Member for Banbury (Tony Baldry) reminded us that the issue of social justice is inseparable from climate change, and Darfur is an example of state instability as a result of dwindling national resources.

In a real tour de force, my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) reminded us that the situation can be an opportunity, not a threat. He did much when in office to advance the agenda on the issue.

The hon. Member for Morley and Rothwell (Colin Challen) demonstrated real expertise and reminded us of the immediate need for adaptation, particularly in relation to flood defences.

My hon. Friend the Member for South Suffolk (Mr. Yeo), the Chairman of the Environmental Audit Committee, spoke of the huge competitive advantage that would result from British leadership in changing to a low-carbon economy. As the EAC has made clear, we must not become preoccupied with the 2050 target. The focus should be on the 2020 near-term target.

The right hon. Member for Scunthorpe (Mr. Morley), who also has a strong record in this field, spoke of the need for the UK to provide leadership, and said that we should balance the need to drive change with realisation of the futility of action that simply drives energy-intensive industries into the developing world.

It will not surprise my hon. Friend the Member for Chichester (Mr. Tyrie) that I take issue with some of his comments. I did not recognise much of his analysis, which is not shared by the Front-Bench team, and I fundamentally disagree with his conclusions. The vast majority of the measures that we propose to tackle global warming would make us more energy efficient and less dependent on expensive foreign fossil fuels and are a good thing in themselves.

My right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) is a sceptic, but he, too, reminded us that we need to take into account concern for social justice and the effect of climate change on the world's most vulnerable.

The right hon. Member for Oldham, West and Royton (Mr. Meacher) strongly supported the Bill but argued that we must enhance it further. I was worried but listened carefully when he said that the left hand in DEFRA does not know what the right hand is doing, and if it does, it cannot stop it. Coming from someone who has served in that Department—

Mr. Kidney: The hon. Gentleman has missed out a bit.

Gregory Barker: I have missed out a bit. I apologise and I stand corrected. The right hon. Member for Oldham, West and Royton said that the Government must produce a clear and precise strategy for meeting the EU 2020 target of 15 per cent. renewable energy. On that we all agree.

My right hon. Friend the Member for Fylde (Mr. Jack), the Chairman of the Environment, Food and Rural Affairs Committee, made a wide-ranging and expert speech ending with a call for a Cabinet Minister for climate change, which was probably noted by both Ministers on the Front Bench.

The hon. Member for Brent, North (Barry Gardiner) made a valuable contribution, as did the hon. Member for Bury, North (Mr. Chaytor). My hon. Friend the Member for South-West Devon (Mr. Streeter) was spot-on with his observation that stealth taxes disguised as green taxes serve only to give the whole environmental agenda a bad name.

Progressive, profitable, forward-looking businesses everywhere are grasping the climate change opportunity. However, the Bill on its own will not deliver the changes that they need. Although we support the framework, it should be no surprise that we are far more critical of the Government's record of real carbon reductions to date, and their lack of ambitious policies to deliver the economic carbon transformation anticipated in the Bill.

Nevertheless, I congratulate Ministers on bringing the Bill thus far. It is a welcome step towards creating a long-term public policy framework that will enable British entrepreneurs and wealth creators to gain some of the certainty and direction that they need to drive dynamic industrial change—dynamic industrial change that will spawn new industries, create thousands of new jobs, utilise the tremendous talents, skills and abilities of the British work force, help arrest the remorseless exhaustion of the planet's finite natural resources, drive the transformation of our economy and secure the long-term prosperity and well-being of future generations.

I look forward to working constructively with the Government to take the Bill into Committee, to scrutinise it and improve it, mindful of the need to protect the interests of hard-pressed consumers in a tough economic environment, mindful of the need of businesses for long-term clarity and certainty, and mindful of the need to maintain full accountability to Parliament of the present Administration and all future Governments as they strive to meet the demanding, stretching carbon reduction targets set out in the Bill.

My hon. Friend the shadow Secretary of State opened the debate from our Benches by quoting Margaret Thatcher, the first world leader to call for concerted global action against man-made climate change. I close with a less well known quote from her, which was equally prescient. In November 1990, in one of her last speeches before leaving office, Lady Thatcher told the world climate conference:

"The IPCC tells us that, on present trends, the earth will warm up faster than at any time since the last ice age. Weather patterns could change so that what is now wet could become dry, and what is now dry could become wet. Rising seas could threaten the livelihood of that substantial part of the world's population which lives on or near coasts. The character and behaviour of plants would change, some for the better, some for worse. Some species of animals and plants would migrate to different zones or disappear for ever. Forests would die or move. And deserts would advance as green fields retreated. Many of the precautionary actions that we need to take would be sensible in any event. It is sensible to improve energy efficiency and use energy prudently; it's sensible to develop alternative and sustainable and sensible...it's sensible to improve energy efficiency and to develop alternative and sustainable sources of supply; it's sensible to replant the forests which we consume; it's sensible to re-examine industrial processes; it's sensible to tackle the problem of waste. I understand that the latest vogue is to call them 'no regrets' policies. Certainly we should have none in putting them into effect."

Indeed, we should have no regrets, just renewed ambition and even greater determination to overcome the challenge of global warming. In that spirit, we welcome the Bill.

9.45 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): I am grateful to the hon. Member for Bexhill and Battle (Gregory Barker) for his support. Let us be absolutely clear about just how ambitious the Bill is. When it

[Joan Ruddock]

receives Royal Assent—in a few months' time, I hope—the UK will be the first country in the world to have a legally binding, long-term framework to cut CO_2 emissions and adapt to climate change. The framework of binding targets and budgets, and the accompanying obligations on the Government, supported by maximum transparency and by parliamentary oversight, will drive the UK's transition to the low-carbon economy that we need both to play our part in that crucial global effort and to secure our own economic future.

I very much welcome the generally positive tone of today's debate. The hon. Member for East Surrey (Mr. Ainsworth), in his opening remarks, said that the Bill is probably the most important piece of environmental legislation in a generation. He is correct. He asked me about clause 1 and the purpose of the Bill. May I tell him that any attempt to hold the world to a 2° C temperature rise depends on every country playing its part? It cannot be a unilateral move, and we therefore have difficulty accepting his point. He asked about the Prime Minister being responsible for reporting, but we have a Cabinet Government, and the whole Government are bound by the Bill and the whole Government will have to report in due course.

The hon. Gentleman asked about overseas credits, as did the hon. Member for Northavon (Steve Webb). The majority of emissions savings will, indeed, come from our domestic effort, but the fact is that in the emissions trading scheme, 50 per cent. of our emissions can be dealt with by companies making their own decisions. They can, for example, make reductions in a plant in Germany rather than in one in the UK. If we want the trading scheme, we cannot have limits on the emissions and credits that we can obtain overseas. The hon. Member for East Surrey asked about Lord Turner. The most important thing that he will do as the chair of the new committee will be to set the advice to the Government on those first budgets. That he will do. He will leave in the new year, but not until that most important job is done.

My many hon. Friends have made very constructive speeches, but I have no time to go into all of them. The hon. Member for Northavon rather failed to rise to the occasion, although far be it from me to call his contribution a piddling little speech. He spoke about the 80 per cent. target. Of course, the Bill says "at least" 60 per cent, and we have made it very clear that in the reference to the Climate Change Committee, we have allowed for the fact that the provision may be tightened to 80 per cent. The hon. Gentleman has to wait only until the end of this year, when that decision will be taken.

The hon. Member for South Suffolk (Mr. Yeo) made a good speech. I was grateful to him for agreeing that progress against the 2020 interim target is the most important issue. He offered to supply some names for Lord Turner's replacement, and we would be delighted to hear any names from the hon. Gentleman.

My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy), in a very supportive speech, spoke about the importance of the oceans—one area about which we are extremely conscious—and of going beyond the tales in the tabloid press, which fail to encourage people to take their responsibilities seriously.

My hon. Friend the Member for Morley and Rothwell (Colin Challen) spoke with his usual expertise and commitment. The Bill requires the committee to publish its advice and the reasons for it, so if the Government were to set a target at a different level, they would have to say why. The issue of transparency is covered.

Many hon. Members referred to aviation and shipping. Those matters are best addressed at the international level, working through the United Nations, the International Civil Aviation Authority and the International Maritime Organisation. We are taking action in Europe. We have been leading in Europe on the question of including aviation and shipping emissions. However, complex issues are involved and, as was recognised in the other place, we need expert advice from the Committee on Climate Change before we take a decision on whether to include international aviation and shipping emissions in our targets under the Bill.

The right hon. Member for Penrith and The Border (David Maclean) made an important contribution on forests and biodiversity and the need to assist developing economies. We can all bear that in mind in the debate about whether we accept a restriction on the credits that we obtain overseas.

My right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher), in a typically challenging speech, discussed mandatory reporting by companies. The Companies Act 2006 provides for reporting on environmental issues by listed companies, but it is too early to say how well they are reporting and what they are reporting on. When Lord Rooker accepted the amendment in the House of Lords, he said that the Government would have to consider the matter further, and that is what we will do. Kingsnorth has not yet been licensed, and we cannot anticipate what will happen in that respect.

The hon. Member for Banbury (Tony Baldry) spoke on the basis of his international experience and referred to the importance of setting an example. He mentioned the need to convince China. We totally agree, and we work very closely with China. That is why carbon capture and storage is so important.

My hon. Friend the Member for South Swindon (Anne Snelgrove) made a very supportive speech. I am grateful for her remarks, particularly about the contribution of individuals, who are responsible for 40 per cent. of all the emissions that arise in this country. Our "Act on CO_2" campaign and advice line are the best means by which individuals can contribute. As she said, the contribution of communities is also extremely important. She asked about the Government needing to do more on the question of buildings. All Departments are making greater efforts in relation to energy efficiency and sustainable development in general. The carbon reduction commitment, which is part of the Bill, will cover large councils and Departments and help to drive down emissions.

The hon. Member for Cambridge (David Howarth) agreed that individuals should play their part by using their power in the marketplace and referred to reporting by companies, which I have already dealt with. We very much agree with his sentiments.

Mr. Lilley *rose—*

Joan Ruddock: I cannot give way. [HON. MEMBERS: "Give way!"] I cannot; there is no time.

I pay tribute to my right hon. Friend the Member for Scunthorpe (Mr. Morley) and to the great contribution that he makes, particularly as president of GLOBE International. He raised several points that I think that I have covered already. He referred to recycling as being absolutely crucial in reducing emissions. That is very important. He is entirely right about bringing about behavioural change on waste as opposed to other means. He spoke about annual targets. Every year, the committee will report to Parliament on progress, and every year the Government must respond. We do not support annual targets because—*[Interruption.]*

Mr. Speaker: Order. The Minister has the Floor. It is not wise for the right hon. Member for Hitchin and Harpenden (Mr. Lilley) to say what he is saying. It is clear that the hon. Lady is not giving way, so let her continue with her speech. The right hon. Gentleman has had his tuppence worth.

Joan Ruddock: I am grateful to you, Mr. Speaker. I am trying to cover the points that were made.

As I said, my right hon. Friend the Member for Scunthorpe referred to targets. The committee will report to Parliament on progress, and every year, the Government must respond. We do not, however, support annual targets because there is always some variability in emissions each year—weather being an obvious case in point. Having annual targets would be a great problem, but there will be reporting and transparency, and there will be the opportunity for everyone to comment.

In the contributions of the right hon. Member for Hitchin and Harpenden (Mr. Lilley) and the hon. Members for Chichester (Mr. Tyrie) and for Stratford-on-Avon (Mr. Maples), the true voice of conservatism was heard tonight—completely out of step with the majority of scientists. In February last year, the fourth assessment report of the Intergovernmental Panel on Climate Change evaluated all available lines of evidence and concluded that there was a 90 per cent. chance that human emissions have caused most of the warming since 1950. That is the clearest answer to the points that the right hon. Gentleman raised.

Mr. Lilley Will the Minister give way?

Mr. Speaker: Order. The right hon. Gentleman knows better, and he is defying the Chair now. He has shifted the ground a bit, and he should behave himself. He usually does.

Joan Ruddock: On the question of finances and the impact assessment raised by the right hon. Gentleman, we will be happy to deal with the matter in Committee. It would be impossible for me, given the moments that I have left, to deal with the points that he—

Mr. Tyrie: Will the Minister give way?

Joan Ruddock: No, I am sorry. I have made it very clear that I am trying to answer the points that were made in the debate.

My hon. Friend the Member for City of York (Hugh Bayley) provided the antidote to those sceptics who spoke, indicating that less carbon dependency by our companies can lead to greater profitability. My hon. Friend the Member for Brighton, Kemptown (Dr. Turner) said that policies should have climate impact assessments. I agree with him entirely, and all of our policies and pieces of legislation are required to have a climate impact assessment as part of their regulatory impact assessments.

My hon. Friend the Member for Wolverhampton, South-West (Rob Marris) has done more than anyone to advance the adaptation debate. I congratulate him on that. He has done a huge amount of work, but a huge amount of work on the matter is going on in the Government. I am the Minister with responsibility for adaptation, and we are involving bodies at every level, such as local authorities and regional development agencies. We have the Climate Change Committee, the UK climate impacts programme and a raft of measures through which we will get a proper assessment of risks, a programme of adaptation measures to address those risks and new powers to require reporting by public authorities.

I am grateful to my hon. Friend the Member for Stafford (Mr. Kidney) for his supportive speech. He raised the issue of feed-in tariffs, which are under consideration. The right hon. Member for Fylde (Mr. Jack), in a powerful speech, showed a great deal of understanding of our global responsibilities and the importance of the UK being at the top table. My hon. Friend the Member for Brent, North (Barry Gardiner) made an important contribution on ecosystems and biodiversity, development and adaptation commitments and the important issue of population. My hon. Friend the Member for Nottingham, South (Alan Simpson) made a passionate speech bringing to bear his great experience on this issue, and I know that he will keep us on our toes throughout the Committee.

The hon. Member for Ruislip-Northwood (Mr. Hurd), in the final moments, asked whether we would water down the Bill. We have no intention of watering it down. The questions of the hon. Member for South-West Devon (Mr. Streeter) were answered by my hon. Friend the Member for Bury, North (Mr. Chaytor), to whom I pay tribute for his hugely consistent campaigning and the welcome that he gave to the Bill.

It is clear that the UK has a fine record of leadership internationally on the enormously challenging issue that we have been discussing. The Bill provides the essential framework for ensuring that our response at home is commensurate with the challenge. The House has deliberated on few more serious issues than climate change.

Question put, That the Bill be now read a Second time:—

The House divided: Ayes 344, Noes 3.

Division No. 212] **[10.00 pm**

AYES

Ainger, Nick	Austin, Mr. Ian
Ainsworth, rh Mr. Bob	Austin, John
Ainsworth, Mr. Peter	Bailey, Mr. Adrian
Alexander, rh Mr. Douglas	Baker, Norman
Allen, Mr. Graham	Baldry, Tony
Amess, Mr. David	Balls, rh Ed
Ancram, rh Mr. Michael	Banks, Gordon
Anderson, Mr. David	Barker, Gregory
Anderson, Janet	Barlow, Ms Celia
Armstrong, rh Hilary	Baron, Mr. John

Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Mr. Alan
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blunt, Mr. Crispin
Borrow, Mr. David S.
Boswell, Mr. Tim
Bradshaw, Mr. Ben
Brazier, Mr. Julian
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burns, Mr. Simon
Burt, Alistair
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Greg
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Dowd, Jim
Drew, Mr. David
Duddridge, James
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Evennett, Mr. David
Farrelly, Paul
Farron, Tim
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goodman, Helen
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Gummer, rh Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hollobone, Mr. Philip
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hurd, Mr. Nick
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jack, rh Mr. Michael
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Lansley, Mr. Andrew
Lazarowicz, Mark
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Lidington, Mr. David
Linton, Martin
Lloyd, Tony
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
Maude, rh Mr. Francis
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFall, rh John
McGovern, Mr. Jim
McIntosh, Miss Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Mundell, David
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Neill, Robert
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pickles, Mr. Eric
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Randall, Mr. John
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, John
Rosindell, Andrew
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stuart, Ms Gisela

Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swinson, Jo
Syms, Mr. Robert
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vara, Mr. Shailesh
Vaz, rh Keith
Walley, Joan
Walter, Mr. Robert
Waltho, Lynda
Watkinson, Angela
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Wishart, Pete
Wood, Mike
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wyatt, Derek
Yeo, Mr. Tim

Tellers for the Ayes:
Mr. Bob Blizzard and Mr. Dave Watts

NOES

Lilley, rh Mr. Peter
Tyrie, Mr. Andrew
Widdecombe, rh Miss Ann

Tellers for the Noes:
Mr. Christopher Chope and Philip Davies

Question accordingly agreed to.

Bill read a Second time.

CLIMATE CHANGE BILL *[LORDS]* (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(7) (Programme motions).

That the following provisions shall apply to the Climate Change Bill [Lords]:—

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 8th July 2008.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on any messages from the Lords) may be programmed.—*[Ms Diana R. Johnson.]*

The House divided: Ayes 252, Noes 42.

Division No. 213] **[10.15 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Donohoe, Mr. Brian H.
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid

Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFall, rh John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Whitehead, Dr. Alan
Wicks, Malcolm
Wilson, Phil
Winnick, Mr. David
Wood, Mike
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Mr. Bob Blizzard and
Mr. Dave Watts

NOES

Baker, Norman
Beith, rh Mr. Alan
Brooke, Annette
Browne, Mr. Jeremy
Cable, Dr. Vincent
Carmichael, Mr. Alistair
Chope, Mr. Christopher
Davey, Mr. Edward
Davies, Philip
Farron, Tim
George, Andrew
Gidley, Sandra
Hancock, Mr. Mike
Harvey, Nick
Heath, Mr. David
Hemming, John
Hollobone, Mr. Philip
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Lamb, Norman
Lilley, rh Mr. Peter
MacNeil, Mr. Angus
Moore, Mr. Michael
Price, Adam
Reid, Mr. Alan
Rowen, Paul
Sanders, Mr. Adrian
Smith, Sir Robert
Spink, Bob
Stunell, Andrew
Swinson, Jo
Tyrie, Mr. Andrew
Webb, Steve
Williams, Hywel
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wishart, Pete

Tellers for the Noes:
Bob Russell and
Mr. Roger Williams

Question accordingly agreed to.

CLIMATE CHANGE BILL *[LORDS] [MONEY]*

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Climate Change Bill *[Lords]*, it is expedient to authorise the payment out of money provided by Parliament of—

(1) grants by the Secretary of State to the Committee on Climate Change;

(2) grants by the Secretary of State to administrators of, and participants in, trading schemes;

(3) expenditure incurred by a Minister of the Crown or government department in acquiring units, or interests in units, representing—

(a) a reduction in an amount of greenhouse gas emissions,

(b) the removal of an amount of greenhouse gas from the atmosphere, or

(c) an amount of greenhouse gas emission allowed under a scheme or arrangement imposing a limit on such emissions;

(4) expenditure incurred by the Secretary of State as the Administrator appointed by virtue of Chapter 5 of Part 2 of the Energy Act 2004;

(5) payments by the Secretary of State as that Administrator to transport fuel suppliers;

(6) any other expenditure incurred by a Minister of the Crown or government department under or in consequence of the Act.—*[Ms Diana R. Johnson.]*

Question agreed to.

CLIMATE CHANGE BILL *[LORDS] [WAYS AND MEANS]*

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Climate Change Bill *[Lords]*, it is expedient to authorise—

(1) the imposition of charges on persons using a scheme for registering or otherwise keeping track of carbon units;

(2) the imposition of charges in connection with trading schemes;

(3) the payment of sums received by the Administrator appointed by virtue of Chapter 5 of Part 2 of the Energy Act 2004 into the Consolidated Fund instead of being used to meet the Administrator's costs or to make payments to transport fuel suppliers; and

(4) the payment of other sums into the Consolidated Fund.—*[Ms Diana R. Johnson.]*

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

BUILDING SOCIETIES

That the draft Building Societies Act 1986 (Accounts, Audit and EEA State Amendments) Order 2008, which was laid before this House on 21st April, be approved.—*[Ms Diana R. Johnson.]*

Question agreed to.

PETITIONS

Post Office Closures (Shropshire)

10.28 pm

Mr. Philip Dunne (Ludlow) (Con): I am most grateful for this opportunity, on the day of the termination of consultation on the closure of post offices in Shropshire, to be able to present this petition on behalf of the users of post offices in the Ludlow constituency. Some 2,165 people have signed the petition, which opposes the plans to close 14 post offices in the constituency—some 30 per cent. of the post offices currently open.

The petition states:

The Petition of users of Post Offices in the Ludlow Constituency.

Declares that plans to close 14 Post Offices in the Ludlow constituency, 9 of which are in the last remaining shop in the village, will affect many users of Post Office services, particularly vulnerable people with limited access to alternative branches and undermine sustainability of the local community. Withdrawal of the Post Office from the local shop will threaten the future of many remaining village shops, and introduction of a mobile van service for a few hours a week in 7 villages does nothing to reduce this threat to our communities.

The Petitioners therefore request that the House of Commons urges the Department for Business, Enterprise and Regulatory Reform to be aware of the Petitioners concerns against closure of Post Offices in the Ludlow constituency and to instruct Post Office Ltd to halt the closure of these Post Offices.

And the Petitioners remain, etc.

[P000209]

Rail Services (Chilham)

10.30 pm

Damian Green (Ashford) (Con): I am grateful for the opportunity to present a petition on behalf of the people of Chilham, in my constituency, who are very concerned about the threat to reduce the rail services that they currently enjoy. This petition contains 550 signatures and states:

Following is the full text of the petition:

[The Petition of residents of Chilham Parish Council.

Declares that Southeastern Railway and the Department for Transport plan to reduce train services at Chilham station.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Transport to ensure that Southeastern Railway agrees to continue to provide a minimum of two trains an hour at peak times and an hourly service at off-peak times and weekends at Chilham Station; provision of a full train service will avoid the increasing use of cars on already overcrowded and dangerous local roads, avoid exacerbating traffic management problems, avoid increasing pollution and avoid detracting from the vibrancy of Chilham as a centre for rural tourism, business and living.

And the Petitioners remain, etc.]

[P000207]

Stoma and Incontinence Appliances

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Diana R. Johnson.]*

10.31 pm

Mr. Robert Syms (Poole) (Con): I rise to introduce a debate on stoma and incontinence appliances in primary care in the United Kingdom, and the drug regulations that cover this area. It is true to say that many people care about this issue because it affects their lives. I want to begin by thanking my constituent, Alison Whitely, who works for Astra Tech, one of the companies that has spent some time coming to my surgery to inform me about the potential changes and their impact for patients.

Since 2005 there have been six reviews, costing the Government about £2.5 million in consultants' fees, and probably costing the Department about £1.9 million in expenses. For most of the time that I have been in Parliament I have not had many people contact me about such services, because on the whole over the past decade they have been pretty good. However, in recent years people have contacted me when they thought that there would be changes and perhaps a risk to the services provided, because that has a real impact on people's lives.

As we know, there have been announcements today changing the regime. It is a highly technical and complex area with lots of issues to look at, so many in the industry have hot towels round their heads tonight as they try to work out what changes have occurred and their impact on their company. They will no doubt come forward during the forthcoming 12-week consultation period with proposed further changes that they would like to see.

However, broadly speaking there has been a welcome for the fact that in the earlier phases of consultation the Government listened to some of the concerns raised. It was thought that the reduction in budget might be £25 million. According to the Government's figures in today's announcement, the reduction has been £5.4 million, which is a lot better. However, the welcome has been a little like that of the condemned man who has to face the rest of his term in prison, in that since 2005 the industry has had a price freeze. We know that wages go up, taxes go up, and the price of petrol goes up—a lot of the services provided by the urology industry require home delivery—and all those factors are feeding in. Many of the products in question are produced from plastics based on oil, and we know that the price of oil is going up. We therefore have a price cut in an environment where there is a lot of inflationary pressure, so there will be pressure on the industry and it will impact on the provision of services to patients, which may have a wider impact on the national health service.

More than 450,000 people are served by this industry: about 100,000 on stoma, and some 350,000 on a whole range of other products produced by the industry. From what I have learned in recent years, it is basically a good industry with a wide range of services. It provides not only products but a pretty widespread home delivery service, and additional services and advice are given as a matter of course, which people value. Indeed, the industry has been so successful over recent years that many people have incontinence products of which their own family are not aware, because they are able to live pretty

[Mr. Robert Syms]

normal lives. The technology, innovation and advance in this area has led that to be so, and it has been of real benefit to people.

There has been concern about the proposed changes, and I intend to focus on just some of the comments that have been fed back to me from some of the companies involved. Mary White of the Paediatric Continence Forum, who comes from Matlock in Derbyshire, is concerned about incontinence products provided to mothers for their young babies. The problem is that many of the products provided for young babies are specialist products from small manufacturers and there is a concern that the changes will impact on people who produce single products, particularly those for niche areas. I hope that the Minister will think about how the changes will impact on the provision for those with babies.

Home delivery is an important service for those with young children. If people who have one child with incontinence problems and two or three other children to look after receive a home delivery service, that is very important to them. One of the major players in the industry is Coloplast Ltd, which is based in Peterborough. I believe that it is the biggest company and that it has a wide range of products. It, too, has raised a number of concerns with me, and it has stated:

"The Department has…retained a capped and banded payment structure based on the volume of all Part IX items prescribed by a Dispensing Appliance Contractor…This means that the fee which DACs receive per item falls significantly as their output increases. And DACs will receive no additional payment for items dispensed above the level of the cap".

There is a cap of 50,000 items per month, whereas the company produces about 55,000 items, so its income will fall substantially. Its argument is that that approach will not increase efficiencies, particularly in the growth sector.

Astra Tech, my constituent's company, has specific concerns. It is the leading intermittent catheter firm. That technologically advanced system allows many people to administer a catheter themselves—or it allows their carer to administer a catheter—so that they can stay at home. It is a LoFric project: the hydrophilic layers in the catheter provide lubrication, so that when it is inserted it does not cause friction on the urethra and, as a result, reduces the irritation by 90 to 95 per cent. when compared with alternative products. The company is a good one, providing a range of services, including home delivery. It has a general concern about the method of charging, which is per boxed item. The fact that most of its items come in one box and do not have follow-on products will impact on the way the company is paid.

Astra Tech welcomes the Department of Health's new proposals because the reduction is only 2 per cent., rather than the originally proposed 12 per cent. The revised proposal includes a new system of infrastructure payment and an extension of payment for nurse visits, which are now called appliance use reviews—AURs—and which Astra Tech supports. However, it has a specific concern that the new revised proposal for remuneration is mainly for the benefit of the stoma industry, despite the fact that an estimated 6 million people are affected by varying degrees of continence problems and only 100,000 are estimated to have stoma problems.

In particular, the proposals will have a disproportionate effect on intermittent self-catheters, and as a result Astra Tech still stands to lose about 50 per cent. of its home delivery remuneration. As mentioned previously, unlike other urological companies, which stood to be adversely affected under the previous proposals, Astra Tech's position is different, because its market share is dependent on predominantly one product. Consequently, the company will not be able to offset any costs incurred on all the other product ranges across the stoma and urology market.

Innovation is very important. As innovative products, LoFric appliances are packaged so that they are small, flexible and discreet. They also contain a sterile water supply that is integrated into the packaging of the products, which means that patients do not have to worry about bacterial contamination from a public water supply if they need to change their intermittent catheter in a public place. That offers a high value level of independence, which is one of the reasons why such products are so popular. As LoFric has no accessories, Astra Tech will not be able to receive other service payments for accessories in the same way as other companies do so. The true cost of delivery is thus not reflected in the service remuneration of the ISC products.

The disproportionate effect on ISC products was acknowledged by the Department of Health in past negotiations, but the revised proposals still ignore the issue. The summary of the proposals states that

"overall, we believe that patient care will be maintained and, where appropriate, improved".

That may be the case for patients who are in receipt of services provided by the stoma home delivery service, but is not likely to be the case for those with ISC catheters.

NICE guidelines on urinary incontinence state that intermittent catheterisation should be used for women with urinary retention who can be taught to self-catheterise or who have a carer to perform the technique. However, the Department of Health is risking the withdrawal of the service and specialist support which is provided for patients that use intermittent catheters.

There is a specific problem for this innovative company that is providing a popular service for people who stay at home. It tells me today that its income for home delivery may be reduced for 10,000 households.

Mr. Philip Hollobone (Kettering) (Con): I congratulate my hon. Friend on securing this debate and on the way in which he is addressing these serious proposals. Like him, I have had several letters from constituents, one of whom wrote to me:

"Having lived with a colostomy for a period of some 13 years, I am reliant on receiving a good…range of products and a supply service…Although having a colostomy requires careful management, it does not mean that I cannot live life to the full. I am, however, not willing to see a reduction in my quality of life resulting from a cost saving initiative by the Department of Health."

Mr. Syms: My hon. Friend makes a good point. It has been suggested that many of the changes have been driven by cost pressures rather than service provision, although the Minister may take a different view in a minute. The industry has been providing a good service

at home for people who need it because of their special conditions. It provides a service that allows people to live normal lives.

As a Member of Parliament, I would have heard about the service over the years if it had been failing. It has not, and we now have a reform. The changes to the earlier proposals are an improvement, but they will still put great pressure on the industry, and segments of the industry will still be disadvantaged. I especially wanted to raise the concerns about Astra Tech and my constituent Alison, who is very concerned about the impact that the changes will have on her company. I hope that the Minister will be able to give a fuller explanation of the changes that we have heard from the Government in these important areas.

10.42 pm

The Minister of State, Department of Health (Dawn Primarolo): I congratulate the hon. Member for Poole (Mr. Syms) on securing this debate on a matter that is of interest to him and his constituents, and to other hon. Members following comments by constituents or companies located in their constituencies. We are looking at the review of the arrangements under part IX of the drug tariff for the provision of services, especially stoma and incontinence appliances.

I first wish to reassure hon. Members that no decision has been made on arrangements under part IX for the provision of these products and the related services. None will be made unless we are satisfied that the outcome of the review is about the quality of patient care and the support that they get. That has to be central to this.

Part IX of the drug tariff is complicated. It includes not only stoma and incontinence appliances, but dressings and chemical reagents, the latter largely being used by diabetics to monitor their blood glucose levels. Dressings and chemical reagents were reviewed during the early stages of the part IX review and the maintenance of patient care was a critical aim during that phase as well. For example, proposals had to take into account the fact that manufacturers provided diabetics with free meters to use chemical reagent strips as well as telephone care lines.

I make those points because the hon. Gentleman referred to the length of the review of part IX and its cost. I am sure that it is probably an oversight on his part, but he referred to the costs for the total review, of which this is the final part. In every other area, we have demonstrated clearly that a review can take place that improves patient services and gets value for money for the taxpayer and the NHS. That phase of the review was concluded in October 2006, so we need to be careful that we do not imply that all the costs of part IX have been about only this particular subject.

As the hon. Member for Poole says, the current phase of the review focuses on the arrangements for stoma and incontinence appliances. Part IX of the drug tariff—companies can decide whether or not to put their products within the tariff—lists more than 5,000 items. There is no transparency about what is reimbursed to dispensing appliance contractors for those items and the money that they receive for service provision.

The arrangements have been in place and have not been properly reviewed for more than 20 years. That means not that the payments made to industry have not gone up during that time, but that the structure of the tariff has not. It is vital that in looking at the provision of these important and sensitive services we seek to separate the costs so that we can see the cost of the product, define the services, and ensure that the £260 million is spent how we would want to see it spent.

The hon. Gentleman referred to home deliveries and advice and support lines, but the services are not universal or available to everyone throughout the country. They vary, and I do not believe that it is unreasonable for the Department to make it clear that it can increase the service provided—home services, deliveries, support and all the things to which the hon. Gentleman referred—for every patient while making it clear for the taxpayer what proportion of the money is paid for those support services and what is paid for the product. Unfortunately, there is a lack of transparency.

I am sure that the hon. Gentleman will have heard of the review led by my noble Friend Lord Darzi. It is centred on a vision of the NHS, which, as the House would expect, is that it should be fair, effective, personalised and safe. I hear what the manufacturers are saying, and that is their point of view about their products. Clearly, it needs to be taken into consideration. At no point during the review should any of us lose sight of the proposition: how do we ensure that the part IX review provides that the service for the products provided is fully consistent no matter where a user lives in England? That will mean considering the variations in home delivery services and where they do not exist, as well as ensuring that the reviews for those patients are carried out by specialist nurses or pharmacists to aid the patients' knowledge of the appliances. It will mean ensuring that every patient receives that service. Our definition of part IX should make it clear that that is what we seek to achieve.

Of course, I acknowledge—this has been the case all along—that there has been huge speculation about the possible outcome of the review. I regret deeply that users in particular have been very worried, sometimes unnecessarily so, that the service that they have come to depend on somehow will no longer be available to them, and that will not be the case.

The services that we seek to deliver are of a highly sensitive and personal nature, and any new arrangement needs to reach a conclusion that is right for patients, right for the NHS and right for the suppliers. Patients must come first every time. Furthermore, the Government are determined to ensure that the current level of patient care is maintained and, where appropriate, improved. That is why we have been prepared to listen carefully at every point in the review. My objective as a Minister is that I would rather take a little longer and get it right than do it quickly and find that we have made mistakes that are detrimental either to manufacturers but, more importantly, to the patients.

The hon. Gentleman is now aware of the further consultation that has just been published on the Department of Health's website—he referred to it himself—along with the impact assessment, which is intended to help to inform responses. The proposals that it contains reflect all the responses that the Department has received from earlier consultations. I fully admit to the House that I was a little frustrated at times that some of the earlier consultations did not get me closer to a conclusion; but each time, I was convinced by the Department that,

[Dawn Primarolo]

because sufficient outstanding items still needed to be clarified, particularly with manufacturers, we needed to issue a consultation document to refine the proposals.

Industry representatives have told us in particular that the new arrangements had to be more affordable than those that we proposed in September 2007, and I am confident that the proposals that we have now made will help to maintain dispensing appliance contractors' current remuneration, while extending fees for certain services to the pharmacy contractors as well.

Mr. Syms: The industry representative whom I saw made it perfectly clear that those in the industry were very happy that dialogue continued between the industry and the Department of Health. They welcome that, and as a result of that dialogue we have had a better announcement today than the one that people feared. I want to put on the record the fact that segments of the industry are still concerned; there are still people to be listened to.

Dawn Primarolo: I absolutely acknowledge the point that the hon. Gentleman makes. I am also confident—he referred to this—that the proposed 2 per cent. reduction in the reimbursement for items will deliver a level of value for money for the NHS, while allowing manufacturers to provide a wider range of appliances. Certainly, based on the current number of part IX items dispensed, our proposals represent an additional investment of £5 million. Of course, the investment will continue to increase in line with any increment in the number of items dispensed.

Owing to improving quality of service delivery, more and more patients are relying on stoma and neurology appliances, and the volume of dispensed items is increasing by more than 7 per cent. a year. I urge all those who are interested—I do not really think that I need to urge them, but I will, for the record—whether they be patients, health professionals working in the area or manufacturers, to respond clearly to the consultation. It is vital that they do so, so that the Government can take their proposals forward. It is important that we try to draw the review to a conclusion and set out a lasting framework.

In conclusion, I acknowledge that the review has gone on for a considerable time. However, in the light of my comments, I hope that the House will agree that it is critical that we seek solutions that providers will find more acceptable if patient care is to be maintained. The speech made by the hon. Member for Poole should be taken note of, as should the comments of manufacturers and patients. If we can continue to work in a spirit of co-operation—I have no reason to believe that we cannot—I am confident that we will arrive at a lasting solution. When the consultation, which I sincerely hope is the final one, closes in September, I hope that we will have all the facts on the table, be clear about the direction, have agreement and at last be able to make progress.

Question put and agreed to.

Adjourned accordingly at five minutes to Eleven o'clock.

House of Commons

Tuesday 10 June 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

ClearSprings

1. **Mr. Richard Benyon** (Newbury) (Con): What recent discussions he has had with ClearSprings Ltd about the siting of bail accommodation and support services. [209541]

The Minister of State, Ministry of Justice (Mr. David Hanson): I met ClearSprings on 20 May. Decisions on the areas in which accommodation is required for bail accommodation and support services are made by the regional offender managers and the director of offender management in Wales, and are based on data on prisoner origins.

Mr. Benyon: Newbury is to have one of these hostels foisted on it under this contract. What has the Minister to say to people in Newbury who find living in their neighbourhood criminals who should be behind bars, but who are released because of the failure of the Government's prison system and the overcrowding of our prisons?

Mr. Hanson: The first thing that I will say to residents of Newbury is that there are no properties planned for Newbury. I hope that that will at least—

Mr. Benyon: The Library told me there were.

Mr. Hanson: The Library may well say that to the hon. Gentleman, but I am the Minister, and I am telling him that there are no properties planned for Newbury. If there were properties planned for Newbury, those properties would be there because of the need for accommodation for people from the Berkshire area who are not in prison and have not necessarily been convicted, but may be awaiting trial, and who would be put in prison if they were not bailed to accommodation addresses—their own addresses, rented from private landlords and supported by their own income. I hope that the hon. Gentleman will look into the scheme in detail, but I can assure him that there are no properties planned for Newbury.

Ms Sally Keeble (Northampton, North) (Lab): May I tell my right hon. Friend that there is one of those hostels in my constituency, and that he must understand the concern that exists among the public? Bridgewood bail hostel, which is also in my constituency, has succeeded because it is open and transparent about where it is, and because it involves the neighbours. I wish that ClearSprings would take the same approach in building good relations with the communities in the areas where it has its hostels.

Mr. Hanson: Obviously it is important for bail hostels to be open, and to be involved with and understood by the community. The ClearSprings addresses are private property addresses, and ClearSprings has a duty to consult the police, probation services and local councils before those private addresses are agreed. Ultimately, they are private addresses, and individuals who are released from prison on home detention curfew, or who are not yet convicted and are awaiting trial, enjoy those properties as private properties.

Mr. Stewart Jackson (Peterborough) (Con): From my experience, the issue with ClearSprings over a number of years has been obfuscation and secrecy, often pursued by the company under the guise of so-called "commercial in confidence". When will the Minister insist on proper accountability for the ClearSprings contract, and transparency for people in my constituency and throughout the country?

Mr. Hanson: I have been very clear with ClearSprings—if I may use that term. It has a contractual duty with the Ministry of Justice to ensure that it consults with local councils, the police and the probation services before entering into an agreement on specific properties in the areas in which it proposes them. I emphasise again that those properties are private properties used by individuals who have sometimes not even been convicted yet, who are bailed to those addresses by the court and are sent there at the request of the court, or who have been released from prison on home detention curfew to properties in the area that they originally came from. I hope that the hon. Gentleman will support the scheme.

Mr. David Burrowes (Enfield, Southgate) (Con): Last week, the Minister of State wrote to me that ClearSprings was

"demonstrating that providing settled and suitable housing can be the foundation for resettlement."

How far is the Minister divorced from the reality of offenders being dumped on communities, which are often already blighted by crime, with little or no consultation, and with local authorities left to pick up the bill for resettlement? Is it not time to close that back-door ham-fisted attempt to deal with offending and prison overcrowding, and to suspend the contract with ClearSprings now?

Mr. Hanson: I am disappointed with the hon. Gentleman's tone. He knows that many individuals who live in Enfield will be regularly bailed by the courts to their properties in Enfield. ClearSprings undertakes to provide properties when no other property is available for people who are homeless in Enfield and who would otherwise be in prison awaiting trial. Those individuals are bailed back to properties in the area from which they come. The courts have asked for that service and want to undertake it. Not everybody who attends a ClearSprings property is convicted. Some of those individuals have been in prison for a long time and are returned to their area of origin on home detention curfew. That would often occur whether or not an

individual had a property in the area. It is a positive scheme, and I am disappointed with the hon. Gentleman's approach.

Political Party Funding

2. **Martin Linton** (Battersea) (Lab): When he plans to publish a White Paper on the funding of political parties. [209542]

10. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What plans he has to introduce legislation on the funding of political parties. [209550]

12. **Tony Lloyd** (Manchester, Central) (Lab): Whether he plans to bring forward proposals on funding of political parties. [209552]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I will publish a White Paper on the funding of political parties very shortly, and aim to introduce legislation as soon as parliamentary time allows.

Martin Linton: I welcome my right hon. Friend's statement. Will he ensure that his White Paper closes the loophole that allows Lord Ashcroft and others to bypass spending limits by channelling money to parliamentary candidates? Will he also ensure that it closes the loophole that allows Lord Ashcroft to escape—*[Interruption.]*

Mr. Speaker: Order. Let the hon. Gentleman speak—*[Interruption.]* Order. Hon. Members may disagree with him, but they should let him speak.

Martin Linton: Thank you, Mr. Speaker. Will my right hon. Friend also ensure that the White Paper closes the loophole that allows Lord Ashcroft to escape the ban on foreign donations?

Mr. Straw: It may disappoint my hon. Friend, but at no stage does the White Paper mention any noble Lord, of any political persuasion. However, both with the White Paper and with forthcoming legislation we are aiming to achieve a consensus along the lines of that which existed when Sir Hayden Phillips produced his final report on 15 March last year, which was welcomed by spokespeople for all the parties. Our other objective is to plug a loophole—the Conservatives are on record as saying that they want it to be plugged as much as the other parties do—that arises from the fact that the 1983 trigger was inadvertently abolished by the Political Parties, Elections and Referendums Act 2000. The Conservatives wanted that trigger to continue, as we all did, and I look forward to there being a consensus in favour of the proposals when I introduce the White Paper very shortly.

Danny Alexander: The relationship between politicians and money has undermined public trust in the political process again and again. Is it not now time to get the big money out of politics? Does the Secretary of State agree that only by imposing stringent caps on donations and expenditure during and between elections can we achieve the fair, transparent and sustainable outcome that is needed to rebuild public trust in the political process?

Mr. Straw: As the hon. Gentleman will recall, we were actively seeking an agreement based on the recommendations of Sir Hayden Phillips. His party was doing the same, but it is a matter of record that the hon. Member for Somerton and Frome (Mr. Heath) said that I was "absolutely right" in my description of

"the process that led to the breakdown of the talks, which was caused by the Conservatives walking away."—[*Official Report*, 7 November 2007; Vol. 467, c. 274.]

Tony Lloyd: When my right hon. Friend talks about building a consensus, does he think that there is a consensus in favour of making sure that the transmission of money from donor to donee should be clear at every stage? That is the case with moneys given by the trade unions to the Labour party, but there has never been clarity about the moneys given through the Conservative party to the 11 members of the shadow Cabinet who took money from private sector donors without ever declaring it.

Mr. Speaker: Order. We must be careful about attacks on hon. Members. Even when the attack is aimed at the shadow Cabinet collectively, the hon. Member making it should notify the Members concerned. The hon. Gentleman must do that in future.

Mr. Straw: My hon. Friend will accept that we all have a responsibility to try to work towards a consensus, not least in respect of the matters raised by the Liberal Democrat spokesman, the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander). The Hayden Phillips report was very clear that donations made through unincorporated associations should be made transparent. The White Paper contains clear proposals that I hope will achieve a widespread welcome on all sides of the House, as transparency is essential to the proper functioning of a system of funding for political parties, and to public confidence in that system.

Sir Peter Tapsell (Louth and Horncastle) (Con): Does the right hon. Gentleman agree that there is an excessive disproportion between the amount of money that a parliamentary candidate can spend in an election and the amount that a national party organisation can spend? Does not that disproportion militate towards excessive control from party headquarters, and a reduction in the authority of individual Members?

Mr. Straw: The hon. Gentleman makes an important point. Under the current arrangements, spending by candidates is effectively limited to the election campaign, although we seek to deal with that by reintroducing the Conservatives' 1983 trigger. Moreover, campaign spending is narrowly defined and lasts for only a year before any general election. Sir Hayden Phillips recommended that, in addition to or in place of those current arrangements, there should be continuous and comprehensive limits on spending throughout a Parliament. Two of the parties have signed up to that, and I look forward to the hon. Gentleman's using his usual persuasive powers to persuade his Front-Bench colleagues to do the same. I am making quite a serious point, as the Labour party and the Liberal Democrats are on record as supporting the Hayden Phillips proposals. So indeed were hon. Members on the Conservative Front Bench—I refer the House to

the statement by the right hon. Member for Horsham (Mr. Maude) on 15 March—but they changed their minds later.

Jon Trickett (Hemsworth) (Lab): But does my right hon. Friend accept that some would argue that there is no real symmetry between the individual decisions of tens of thousands of trade unionists who make donations to our party through their trade union, and the decisions taken, often in secrecy, by non-domiciled billionaires and others of that ilk?

Mr. Straw: The law in respect of those who are non-domiciled is very clear: the only legitimate donors to any political party are voters resident in this country, and those laws need to be better enforced. As for the trade unions, Sir Hayden Phillips made proposals for greater transparency and traceability, which we accepted. As I say, although they would require a change by the trade unions, we have always been ready to deliver on them, as part of a comprehensive package along the lines of that set out in Sir Hayden Phillips's proposals.

Mr. Jonathan Djanogly (Huntingdon) (Con): With £18 million of Labour party debt, and with the party's income collapsing—90 per cent. of it now comes from the trade unions—will the White Paper be anything other than a partisan short-term attempt to shore up Labour's empty coffers at taxpayers' expense, while maintaining uncapped union funding?

Mr. Straw: I know that the hon. Gentleman would wish it to be that, and I am sorry to disappoint him. I point out that even in the 1997 to 2001 Parliament, when we had a big majority and there was no question of our not being able to get the proposition in question agreed to, I made sure that we proceeded on the basis of consensus, and roughly speaking—leaving aside ballots on trade unions' political funds—so, previously, did the Conservative party. I hope very much that the Conservative party will not adopt the policy that sometimes appears from the pen of the hon. Gentleman, in which it is suggested that his party should adopt a partisan approach. The issue is too important for that, and it is important that no one party believes that the regime of party funding should be used for partisan advantage.

Bill of Rights

3. **Linda Gilroy** (Plymouth, Sutton) (Lab/Co-op): What account he plans to take of the relationship between rights and responsibilities in his proposals for a British Bill of Rights. [209543]

The Minister of State, Ministry of Justice (Mr. Michael Wills): Together, rights and responsibilities are the cornerstones of a healthy democracy. Fundamental rights are not contingent on responsibilities, but expressing the two together should help to foster a stronger sense of shared citizenship among all those who live in this country. That belief will be central to our proposals for a Bill of Rights and responsibilities, which we will announce shortly.

Linda Gilroy: I thank my hon. Friend for that response. Does he share the concern expressed by the Archbishop of York recently that in a consumer society, it is easy for rights to become divorced from limits and obligations, and can he say whether there is a real prospect of a Bill of Rights and responsibilities, in which the two are seen as two sides of the same coin?

Mr. Wills: I very much agree with the archbishop on that. As he pointed out in his recent speech, linking rights and responsibilities has always been very important to the Government. As my hon. Friend will be aware, both the European convention on human rights and the Human Rights Act 1998 implicitly and explicitly recognise the crucial relationship between rights and responsibilities. It is important that we use the opportunity provided by a Bill of Rights and responsibilities to entrench that relationship.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): Are the Government not causing a dangerous muddle by mixing up rights and duties, which can be enforced at law, with social responsibilities, which, however desirable, are unenforceable? Much as the Minister might dislike it if he had a bad-tempered neighbour who was reclusive in character, kept ringing people up early in the morning and was generally getting to be disliked, would such a person lose civil rights because he was not meeting his social obligations?

Mr. Wills: No. I think that the right hon. Gentleman has misunderstood what we are proposing, and that when he sees our proposals, he will be reassured. I hope that he will join us in promoting our very worthwhile initiative.

Andrew Mackinlay (Thurrock) (Lab): Will the Minister give an assurance to the House that the new Bill of Rights will in no way diminish our existing Bill of Rights, in particular article 9. Will he assure us, indeed, that he will use it as an opportunity to reinforce article 9? which protects Members of Parliament from interference from outside, from people who would lean on and mislead Parliament before Committees, and that it will protect Members of Parliament from interference from the Executive, including MI5?

Mr. Wills: I can absolutely assure my hon. Friend that we will use the opportunity to build on the Human Rights Act. We are proud of that legislation, and we think it has done a good job; we will build on it, and not resile from it in any way whatsoever.

Sentencing (Knife Crime)

4. **Mr. Philip Dunne** (Ludlow) (Con): Whether changes to sentencing guidelines on knife crime are planned. [209544]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): The Government do not issue sentencing guidelines. The independent Sentencing Guidelines Council recently issued such guidelines in relation to knife crime. In addition, the Association of Chief Police Officers and the Crown Prosecution Service announced last week that in future, in respect of offenders aged 16 and upwards, there would be an expectation of prosecution for possession of a bladed weapon. Last month Sir Igor Judge, head of criminal justice in the Court of Appeal, in the key judgment in the case of Povey, said:

"Even if the offender does no more than carry the weapon—

he was referring to knives—

"when considering the seriousness of the offence courts should bear in mind the harm which the weapon might foreseeably have caused. So the message is stark. This is a serious offence and it should be treated with the seriousness it deserves".

I am sure those remarks have the approbation of the whole House.

Mr. Dunne: I am grateful for that answer, but five months ago the Prime Minister announced exclusively to *The Sun*, in a dazzling display of his vision about crime, that in 12 hotspot areas there would be a presumption to prosecute people carrying knives, irrespective of their age. Can the Justice Secretary tell the House where those 12 areas are, and how many prosecutions there have been since the policy came into force? Was that not a vision for a headline, rather than a serious attempt to get a grip on the growing scourge of knife crime?

Mr. Straw: I shall be happy to write to the hon. Gentleman with a list of the areas concerned. From discussions that I have had with the Director of Public Prosecutions and others, I know that the experience of operating where there was a presumption or expectation of prosecution in a limited number of areas is part of the reason why we have decided to extend that across England and Wales. It is extremely important that we send out a message, as Sir Igor Judge and the Court of Appeal, quite properly, did—and much more authoritatively, in a way, than anything that any Minister or Member can say—that knife crime, including the mere possession of a knife in a public place, is a serious offence.

Mr. Lindsay Hoyle (Chorley) (Lab): My right hon. Friend will be aware that my constituent, young Jessica Knight, was savagely attacked and survived 30 stab wounds. Can we send a message from the House to Jessica and her family that we will be tough on crime, and that we will ensure that people are persuaded through tough sentencing that they should not carry or use knives?

Mr. Straw: Nothing that I or anyone else says in the House can put right the terrible injury, harm and trauma that was suffered by my hon. Friend's constituent and her family and friends. However, what I would say is that the courts treat any offence of that kind extremely seriously. Moreover, such offenders are not charged with mere possession of a bladed weapon; they are charged with the most serious of their actions—in this case, what sounds like grievous bodily harm with intent. The courts are increasingly tough in respect of such offences. Where offences of a similar seriousness have been committed in the past, more and more offenders have been receiving indeterminate sentences for public protection, and cannot come out unless and until they can show to the parole board that there is a high probability that they will not reoffend. Having visited many prisons, I can tell my hon. Friend that the indeterminate sentence for public protection is working to concentrate the minds of offenders who previously had not had their minds properly concentrated.

Sir Patrick Cormack (South Staffordshire) (Con): The whole House would endorse what the Lord Chancellor has just said, but does he accept that for generations some of our most responsible young people—scouts and others—have carried bladed weapons, such as Swiss army knives, for perfectly legitimate purposes? We are not moving into a society where the very possession of one of those by a responsible person can be assumed to be a crime, are we?

Mr. Straw: I was a boy scout once: 28th Epping Forest brigade, based on the Buckhurst Hill congregational church, Palmerston road, Buckhurst Hill, Essex—centre of the world. I also confess that more recently when I have been camping, and in other appropriate circumstances, I am able to carry a Swiss army penknife, entirely lawfully. There is no suggestion whatsoever that there is no defence to the offence of carrying a bladed weapon, but the weapons that are typically picked up by the police when they search, or when an offence has been committed, are not Swiss army knives. In two thirds of cases the weapon is a kitchen knife, which the offenders have no reason whatsoever to carry outside. Moreover, the offence allows for proper defences in the circumstances that the hon. Gentleman describes.

Mr. Andrew Love (Edmonton) (Lab/Co-op): Since the beginning of the year three teenagers have been murdered in my constituency by the use of knives. My constituents are shocked by this, and they are also incredulous that any teenager can go down to a pound shop in my constituency and buy the largest knife ever seen. What more can my right hon. Friend do to strengthen the guidelines for shopkeepers and, perhaps more importantly, to strengthen the sanctions against them for selling such weapons to young people?

Mr. Straw: The sanctions and prohibitions on the sale of knives have been progressively increased since the Knives Act 1997, which started out as a Labour Back-Bench private Member's Bill. I will certainly look with great care at how the tough laws and rules can be better enforced. They have to be better enforced by shops but, to pick up the point made by the hon. Member for South Staffordshire (Sir Patrick Cormack), knives have lawful purposes and we cannot ban them. This is not only about shopkeepers; it is also about parents making sure that their children and young people up to the age of 18 do not take knives out. That practice has to stop. That said, although it is difficult to reassure constituents faced with the trauma that my hon. Friend's constituents have experienced, overall the level of crime, including crime using a bladed weapon, has not increased as much as the public would suggest. Indeed, the level of homicides with bladed weapons has remained relatively stable. But we have to ensure that people stop carrying knives for criminal purposes and using them in some dreadful circumstances.

Mr. Edward Garnier (Harborough) (Con): Last year 258 people were killed, and 64,000 were mugged, by criminals with knives, and 31 teenagers have been knifed to death this year. Does the Secretary of State remember that in 2001, as Home Secretary, he urged the police not to prosecute young people caught with knives, whereas now the Prime Minister says that they should be prosecuted? Having been caught out not providing enough prison places for serious offenders, Ministers are now demanding that the courts hand out community punishments to criminals who should go inside. In November, the

Government will introduce legislation to make sentences fit the available prison space rather than the crime. Has not "Tough on crime, tough on the causes of crime" now been exposed as no more than vacuous sloganising by a Government who have let down the law-abiding public? Do not the public have a right to a Government who are on their side, instead of a Government constantly trying to save their own neck?

Mr. Straw: I confess that I do not recall what the hon. and learned Gentleman attributes to me, but if he wishes to share the exact quotation with me, I will be happy to follow it up. I would have hoped that the issue of knife crime was not a partisan issue, but he is seeking to make it one. What I remember is a Government who presided over a doubling of crime between 1979 and 1997, and who had totally inadequate sanctions for knife crime, gun crime and many other crimes, and far fewer prison places than we have today. I am proud to say that this Government have seen a 30 per cent. and more increase in prison places, and longer prison sentences for offenders, coupled with a 30 per cent. reduction in crime. We are the first Government since the war to have seen a serious reduction in crime during our administration, rather than an increase, which happened repeatedly under the Conservatives.

Regional Pay Rates

5. **Jessica Morden** (Newport, East) (Lab): If he will make a statement on the introduction of regional pay rates for court staff in Wales. [209545]

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): The new pay system implemented by the Ministry of Justice in 2007, with five regional pay ranges, was designed to simplify the many different pay systems that the Department inherited and to address the problem of low pay across the organisation. More than 95 per cent. of staff have decided to opt in to the deal, and one in four members of staff, the majority in the lowest grades, will see their pay rise by 20 per cent. over the next four years.

Jessica Morden: Will the Minister seriously consider restoring the system of pay scales for staff who live outside London? Not only does the system pay Welsh staff less than those who live in Bristol, Birmingham or Liverpool, but court staff who work in adjacent towns, such as Newport and Cwmbran, are paid different rates for doing exactly the same job.

Maria Eagle: No existing employee will lose out as a result of the new regional pay rate. Those on national rates, including those in Cwmbran and the parts of Wales that my hon. Friend has referred to, can progress to the national plus range. Furthermore, the arrangements provide for an annual review of the pay range allocations to check that they are correct. That will involve trade unions, and I am happy to receive representations from hon. Members who think that they have identified anomalies, because we want to try to make sure that any such anomalies are corrected.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Hard-working court staff are dismayed and anxious. The hon. Member for Newport, East (Jessica Morden) is right: why should those staff be paid much less simply because they live outside the three cities in the south of Wales? Will the Minister think again, because the majority of the lower-paid will be within the objective 1/convergence area? We are trying to raise GDP, not lower it.

Maria Eagle: As I have said, I am happy to receive representations and meet hon. Members to consider particular constituency cases. The scheme contains arrangements for making alterations, if it is found that the wrong pay ranges have been applied, and I am happy to consider such issues with hon. Members. The regional pay system is designed to tackle low pay and the significant pay disparities inherited from the 50 schemes that applied before the Ministry of Justice brought all those staff together in one department. That will disproportionately benefit, through higher pay increases, those on the lowest rates of pay, which is a good thing.

Witness Protection

6. **John Robertson** (Glasgow, North-West) (Lab): What support is given to victims of and witnesses to crime to protect them from fear and intimidation in giving evidence. [209546]

The Parliamentary Under-Secretary of State for Justice (Maria Eagle): A range of measures are available to support witnesses, including police protection programmes and a number of special measures to help intimidated witnesses give their best evidence in court. Those measures include screens round the witness box and the ability to give evidence by a live link from a different location, or in private. We are working to strengthen and improve those arrangements, particularly in gang-related gun and knife crime cases, to ensure that witnesses can give their evidence safely and without fear of reprisals.

John Robertson: Does my hon. Friend agree that groups such as Victim Support do an excellent job in trying to protect people and by giving people, particularly children and the disabled, aid and support? Is it not time to give such groups more funds? We should think about supporting the victim rather than supporting the criminal.

Maria Eagle: I agree with my hon. Friend that Victim Support does a superb job. Its funding has more than tripled since 1997, from £11 million to more than £37 million. Some 1.4 million victims and witnesses have been referred to its support service, and it has helped more than 35,000 vulnerable or intimidated witnesses with particular support and tailored assistance. I agree with my hon. Friend that the amount of effort that the criminal justice system puts into recognising the importance of victims and witnesses has changed out of all recognition over the past 10 years. We intend to do more by tailoring support more fully to the needs of vulnerable or intimidated witnesses.

Mark Pritchard (The Wrekin) (Con): Does the Minister share my concern about the increasing number of Muslims who choose to leave the Islamic faith, or, indeed, to embrace atheism, and require police protection? Why does her Department refuse to tell me how many Muslims are currently being protected by police — by the British

taxpayer? Should we not be dealing with people who espouse violence against Muslims who choose to follow another religion or to embrace atheism?

Maria Eagle: I am happy to look further into the hon. Gentleman's specific point, but when we consider the very highest level of police protection, there are obvious reasons why certain information is not peddled around: it might compromise the protection that is being given to particular individuals. I am not aware of the detail of the issue right now, but I am perfectly happy to look at it more closely if he would care to speak to me outside the Chamber.

Mary Creagh (Wakefield) (Lab): Does my hon. Friend agree that people who are victims of crime in their own homes require specific assistance in giving evidence against their attackers? If someone is a victim of antisocial behaviour, of domestic violence or even of gun crime, their attacker, de facto, knows exactly where they live. What more can the courts do to protect such vulnerable people?

Maria Eagle: My hon. Friend is correct. One impact of focusing the criminal justice system and our support much more on the needs of victims rather than just on the needs of defendants is that it enables us to design arrangements to do just what she suggests. The big increase in the number of independent victims' advocates and in the support for victims of domestic violence and rape is, in turn, showing up in conviction figures. I agree with my hon. Friend that particular victims of particular crimes in particular circumstances have very specific needs. The criminal justice system now seeks to provide much more fully for those individual needs.

Early Release Schemes

7. **Mr. Desmond Swayne** (New Forest, West) (Con): Whether he plans to alter the early release schemes in operation. [209547]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): We have no plans to change the home detention curfew, which has been a feature of the criminal justice system since 1999 and has enjoyed all-party support. My aim is to terminate the end of custody licence scheme once there are sufficient prison places to do so safely.

Mr. Swayne: In June of last year, the estimate was that during the end of custody licence scheme's first year of operation, there would be 25,500 releases. So far, there have been 26,000, and the estimate is that by the end of the scheme's first year of operation, the number will be 31,000. Can the Lord High Chancellor explain the gap?

Mr. Straw: The gap has occurred because the figures are, and were, estimates. As it happens, the estimate was changed shortly after it was made. Paradoxically, the situation reflects the fact that more people are being sent to prison—they are being sent to prison for longer. That is one reason why the pressures have continued. I cannot say exactly when, but I hope to see the ECL scheme, which releases prisoners within the up-to-four-year category just two and a half weeks earlier than they would otherwise be released, ended as soon as we can safely do so.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): Does my right hon. Friend agree that any early release scheme inevitably undermines the integrity of very carefully worked out sentencing guidelines?

Mr. Straw: I accept what my right hon. Friend says. I should also just say to him that previous Administrations resorted to schemes that were much more significant in their dramatic effect and with much less felicity than ECL. My right hon. Friend will remember the day shortly after the general election in 1987, when the then Home Secretary, now Lord Hurd, released just overnight 3,500 prisoners with serious convictions, and continued to do so. That culminated in the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) releasing 537 prisoners in the summer of 1996—by mistake.

Ann Winterton (Congleton) (Con): My constituents believe that the punishment should fit the crime. They, like the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), believe that the judicial system is being undermined by early prisoner releases. What discussion has the Minister had with the probation service, which is currently under immense pressure and required to ensure that those early release prisoners do not cause more problems in the community?

Mr. Straw: I have many discussions, both formal and informal, with the probation service. Indeed, I met a lot of probation officers yesterday evening at the reception in the Members' Dining Room marking the retirement of Judy McKnight, the very distinguished general secretary of the National Association of Probation Officers. The answer is that we recognise the pressures on the probation service, and an extra £40 million has been given to it this year to allow it to cope.

Reoffending

9. **Tony Baldry** (Banbury) (Con): What steps are being taken through the youth justice system to reduce reoffending rates. [209549]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Between 2000 and 2005, youth reoffending reduced by 2.5 per cent., with a 17.4 per cent. reduction in the frequency of juvenile reoffending. A huge amount of work is taking place to reduce reoffending, including many successful restorative justice schemes whereby the victims are able to confront the reoffender.

Tony Baldry: I thank the Secretary of State for that answer. In Oxfordshire, a scheme for first-time offenders run by the youth offending service helped 235 youngsters in 2007-08, only 3 per cent. of whom went on to reoffend. Does not that demonstrate two things? First, ring-fenced money that helps young people not to reoffend is money very well spent. Secondly, we all collectively need to do an awful lot more to explain the youth offending service and its role so that people do not think that its work means that those young offenders are getting off lightly, because if they are prevented from reoffending, we all benefit.

Mr. Straw: I applaud the work that has been undertaken in Oxfordshire and in the whole Thames valley area, not least that pioneered by Sir Charles Pollard, formerly the chief constable and subsequently a member of the Youth Justice Board. I agree with the hon. Gentleman. In fact, I was discussing this issue yesterday, because we are concerned that the work of the youth offending teams should be much more visible and that much better information should be available to the public about its work—good and, yes, bad as well—so that they can make up their own minds about the effectiveness, in appropriate circumstances, of community punishments such as those to which the hon. Gentleman referred.

David Taylor (North-West Leicestershire) (Lab/Co-op): When I sat on the local magistrates bench, one of the most depressing and regular occurrences was the reappearance in court of young offenders. It is still the case that three in four young people who go through the prison system are convicted of an offence within a two-year period after that. What further plans does the Secretary of State have to improve the situation as regards employment and housing in the communities into which young prisoners are released?

Mr. Straw: I do not explicitly endorse the figure that my hon. Friend mentioned, but, leaving that aside, the level of reoffending by some young offenders is too high. Of course, we are concerned about that. We are putting a lot of resources into ensuring that when young offenders—who only go into custody if they are serious offenders—are released, there is available to them somewhere to live, which is fundamental if we are to get them out of reoffending, and the prospect of a job. We must also ensure that while they are in youth custody they take the opportunities to improve their learning skills, many of which are lamentably low.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Research from Professor Bryan and others confirms that perhaps two thirds of young people entering the criminal justice system do not have sufficient verbal skills to benefit from the education and rehabilitation programmes being offered to them. Does the Secretary of State agree with Lord Ramsbotham and others that there is now an overwhelming case for more investment in speech and language therapy within prisons, and why has his Department not made it?

Mr. Straw: There is indeed a strong case for that, and I can give the hon. Gentleman all the figures on how much resources have gone up by. He will be aware, however, of the pressures on those resources, which will affect any Government, and I am happy to meet him and Lord Ramsbotham to discuss that. Given that young offenders come into the system with such lamentably low educational qualifications, there is a responsibility across the system to address that—in schools, in the Department for Children, Schools and Families, and so on. That is one of the important benefits of my joint working with the Secretary of State for the Department for Children, Schools and Families, whereby we are now ensuring that the needs of young offenders, and potential young offenders unless we divert them from such behaviour, are better taken account of in the schools system.

Probation Services

11. **Mr. David Kidney** (Stafford) (Lab): What his timetable is for introducing trust status for probation services. [209551]

The Minister of State, Ministry of Justice (Mr. David Hanson): The first six probation trusts were created in April. I intend to use the initial year to establish the way in which the benefits of trust status can best be developed to improve operational effectiveness, efficiency and local accountability. I am currently considering whether the timetable for trusts can be accelerated so that all trusts can be in place as soon as possible.

Mr. Kidney: I thank my right hon. Friend for that answer, and pass on Staffordshire's thanks for the additional in-year funding that he has given for community sentence solutions. I assure him that we are spending the money effectively in Staffordshire. Is he aware, however, that there are widespread rumours about the uncertainty of the Department's views on the future structures of the probation trusts, such as whether they will be local or regional, which is causing uncertainty in future planning? Can he make clear that the future delivery of probation services will continue to take place on a local basis?

Mr. Hanson: I can certainly give my hon. Friend that assurance. We intend to deliver probation services in a devolved way at a local level. It is important that such services are provided locally. I am pleased that he welcomed the extra £40 million that we have given to probation services to help to develop alternatives to custody. I know that Staffordshire, along with other probation authorities in England and Wales, is looking at how it can develop support for strong community sentences to ensure that we prevent reoffending and support alternatives to custody.

Topical Questions

T1. [209531] **Paul Rowen** (Rochdale) (LD): If he will make a statement on his departmental responsibilities.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Punishment and reform—protecting the public and reducing reoffending—lies at the heart of my Department's work. Our aim is to be tough and fair. Crime has come down by a third, prison numbers are up by a third and a major programme for another 14,000 places by 2014 is in progress. I have just published a consultation document on titan prisons, showing how they can provide value for money, but with separate wings for different categories of prisoner. The weekend before last, I received the report on drugs in prison from the former Her Majesty's chief inspector of constabulary, David Blakey, and I will be publishing it and my response shortly.

Paul Rowen: In the light of continuing revelations about the allowances and salaries of MEPs, including the latest about funding for political parties being channelled through a company, can I ask the Secretary of State for Justice if he has had any discussions with his Opposition counterparts, the Electoral Commission or the Chair of

the Committee on Standards in Public Life to ensure that British MEPs are brought into the same ambit as MPs?

Mr. Straw: I have had no direct discussions on this matter recently, but I am happy to receive representations from the hon. Gentleman. It might be best if he were to consider the White Paper on party funding, which I shall publish shortly. He has raised an important issue.

T4. [209534] **Tony Lloyd** (Manchester, Central) (Lab): With all the discussion about prisons being a soft option, can my right hon. Friend tell me whether he is aware of any case where prisoners have asked for their sentences to be increased when they go to court, or where they insisted on being banged up to ensure that they have that luxury time?

Mr. Straw: No, I cannot. That question gives the lie to the propaganda that comes from some quarters, but only sometimes, that prisons are cushy. I represented a number of offenders in my early life—the hon. and learned Member for Harborough (Mr. Garnier) has made that a more recent practice—and I never came across one who volunteered for prison, or still less, one who volunteered for prison for a long period. Prisons are tough. We have to ensure that the regime is reasonable, but they are not designed to be like life outside, either in their deprivation of liberty or through their conditions inside.

T2. [209532] **Simon Hughes** (North Southwark and Bermondsey) (LD): Is it the Government's intention that at the end of this Parliament we will have more young people with criminal records, more young people with custodial sentences and more young people in custody than any other comparable country in Europe? If not, can the Government start doing something to reduce the trend to demonise and vilify young people, and to end the practice of suggesting that every time they do anything wrong, they should immediately become criminals with a record?

Mr. Straw: May I just say to the hon. Gentleman that it is important to put this matter into perspective? Very few young people are ever put into custody. The only reason why they are put into custody is that they have committed very serious offences. The number of children aged 12 in custody is seven. Most young people who are put into custody are aged 16 and 17—they are not children; they are often large, unpleasant thugs, and they are frightening to the public. In my judgment, the courts have been quite right to ensure that they are locked up, and locked up for a long time where they have committed grievous offences. Sometimes I read material that suggests that young people aged 16 or 17 are children, but the figures show that seven 12-year-olds are in custody and 1,450 17-year-olds. Of course we have responsibilities, which I discussed earlier, to ensure that when they are in custody, everything possible is done to ensure that they do not reoffend when they come out and that they lead a better life. However, for the protection of the public, I believe that the courts get it right in the relatively low number of cases where they jail offenders.

T5. [209535] **Mr. David Kidney** (Stafford) (Lab): Do Ministers accept that reoffending rates are unacceptably high among those sentenced to prison for less than 12 months? Are Ministers aware of a scheme in the west midlands called Connect, which provides close support for prisoners on release from prison, including mentors where appropriate? The scheme has been funded by European funding, which has come to an end. Does the Department have any policy of close support for people in those circumstances in order to prevent reoffending?

The Minister of State, Ministry of Justice (Mr. David Hanson): I am grateful to my hon. Friend for drawing that to our attention. He will know that we are looking at two test-bed areas in the west midlands and the east region to bring together a range of services to help individual prisoners on release from prison to get into employment and housing, tackle long-term drug issues in the community and deal with problems such as alcohol abuse. He will also know that we are looking closely at promoting the use of community sentences where appropriate—indeed, I published a document last week—to ensure that we have alternatives to custody, particularly short-term prison sentences. Those alternatives can often be much more demanding for an individual, with courses on alcohol, drugs and other issues, than a short-term prison sentence can, as well as tremendously more effective in reducing reoffending. Indeed, I do believe, dare I say it, that some members of the Opposition Front Bench would also support that view, while others would not.

Nick Herbert (Arundel and South Downs) (Con): In less than a year, the Government have released more than 26,000 prisoners early because there are not enough prison places, including 5,000 violent offenders and even terrorists. Ministers are keen to detain suspects without charge for ever longer periods, but they were happy to release convicted terrorists early, until we found out about it. Since his predecessor described the end of custody licence scheme as "temporary", will the Justice Secretary now be more precise than he was earlier and tell us exactly when he hopes to scrap it?

Mr. Straw: I answered the hon. Member for New Forest, West (Mr. Swayne) about that. I wish that I could be more precise, but let me tell the hon. Gentleman, lest he was not listening when I was talking about this before, that our record on ensuring sufficient prison places for offenders is infinitely better than that of the Conservative Administration. At one stage, they did not have a couple of hundred prisoners in police cells; they had 3,500, and the numbers continued year after year. Every so often, when the previous Government ran into a crisis, instead of ensuring that more prisons were built, what did they do? They just released another 3,500 or more.

Nick Herbert: I note that the Justice Secretary did not deny that he knew that the Government were releasing terrorists early before scrapping the scheme. Let me help him, since he will not say precisely when the scheme will be scrapped. Last month, the Prime Minister said that he would not even take a decision on early release until there were 86,000 prison places. That will

not be for at least a year. Is that what the Justice Secretary meant when he said that the Prime Minister was

"cautious in his decision-making"?

Also, can the Justice Secretary confirm that at least another 30,000 criminals will therefore be freed early before the Prime Minister stops dithering and finally scraps this appalling scheme?

Mr. Straw: First, the scheme needs to be put into perspective. I regret that it has had to be used, but it is about releasing offenders two and a half weeks earlier than they would otherwise be released and it applies in the context of overall sentences having increased, not decreased, over the past 10 years, which is one of the reasons for the pressure on prisons. I wish that I could be a soothsayer, as the hon. Gentleman seems to imply, and say exactly what is going to happen to the numbers jailed by the courts and the number of prison places available in future—the latter is a little easier to predict than the former. All I can say to him, however, is that we are working extremely hard to ensure that the record increase in prison places since 1997—twice the rate achieved under the previous Administration—accelerates even faster so that we can end the scheme as quickly as possible.

T3. [209533] **Miss Anne McIntosh** (Vale of York) (Con): In view of the fact that shoplifting offences are increasing hugely in number and that fixed penalty notices largely go unpaid, what plans does the Justice Secretary have to review the adequacy of sentencing for those offences, perhaps looking for an element of restorative justice in this area?

Mr. Straw: I thoroughly endorse the hon. Lady's opinions in favour of restorative justice, which is important. Opinions obviously differ about the success of the fixed penalty notice scheme, but it has been used extensively in the excellent police area of Lancashire. I have talked to police chiefs about the issue, so I know that there is a much higher level of enforcement than the hon. Lady suggests. Overall—*[Interruption.]* Excuse me, Mr. Speaker, but a gnat—he was not a Tory—was trying to bite me. As I was saying, there is a high level of enforcement and the police would like to ensure that that disposal continued.

T7. [209537] **Helen Jones** (Warrington, North) (Lab): What further steps can my right hon. Friend take to encourage more people from communities that suffer the most crime and antisocial behaviour to come forward as magistrates? In Warrington, despite the efforts made, eight of our magistrates still come from outside the borough. There are many magistrates in certain wards, but some of the most deprived have no representatives on the bench at all. Although I have no doubt that the current magistrates are trying conscientiously to do a good job, should we not ensure that the bench is more representative of the community it serves?

Mr. Straw: I entirely share my hon. Friend's concern about this matter. The lack of representation from what she describes as more deprived areas across the country has got worse, not better. It is a matter that profoundly concerns the Magistrates Association and the chairs of benches as well as my colleagues and me. We are doing a lot of work on this issue, for example, although it may not be directly relevant to my hon. Friend's constituency, Operation Black Vote has been running a very successful mentoring scheme. I recently attended the final day of the scheme for this year and some hundreds of people from the black and Asian community who had never ever dreamt of joining the magistracy are now ready to do so. I would like to see such schemes extended—there are many already—to cover the white population for people who do not instinctively think about joining the magistracy, but would find it valuable. Above all, they would be able to bring their experience, from living in their area, to bear when they sit in court.

David Howarth (Cambridge) (LD): Does not the Secretary of State concede that there is something grotesquely wrong in the criminal justice system when there are record numbers of prisoners, yet in some categories, the reoffending rate is as high as 84 per cent., while community sentences are not even being started because of lack of resources, and programmes that we know will work, such as restorative justice, are not implemented? Will not the right hon. Gentleman concede that the time has come to put a bit more distance between politics and the criminal justice system, perhaps by setting up a permanent independent commission to evaluate objectively what works and what does not work in reducing crime?

Mr. Straw: I accept the burden of the hon. Gentleman's last point, which is that there should be independent assessment of what works and what does not, but I do not accept his view that the people's representatives in this House should not have a role to play in determining the level of punishment and in deciding what should be regarded as criminal behaviour. That is a responsibility—a fundamental one—on the shoulders of every single Member in the House, and so, in my judgement, it should remain.

There will be and there always have been some categories of offender who do not get the point. It is not society, not even the Ministry of Justice, that is responsible for their offending; it is the offenders themselves who commit these crimes. What we have sought to do—I hope with all-party support—is to say to offenders: "We will give you a route out of offending if you want to take it, but if you don't, you will end up on an indeterminate sentence for public protection and you will not be released unless and until you can satisfy the parole board, an independent body, that the risk of your reoffending is infinitely lower than it was when you entered prison." I am pleased to say that more and more offenders who are in prison and who realise that they are going to stay in prison for a long time and do not like it, are now getting the point.

T8. [209538] **Ms Katy Clark** (North Ayrshire and Arran) (Lab): The Minister will be aware that probation officers have voted overwhelmingly to take industrial action, and of the concern expressed by those who work in the criminal justice service about pay levels. Are there any plans to increase the pay offered in that sector?

Mr. Hanson: Obviously, I am concerned that the probation officers union has had an indicative vote to strike, which does not mean that it will take strike

action. Last week, I met both the current general secretary of the National Association of Probation Officers and the future general secretary, who takes over shortly, to discuss these matters. I am confident that we can come to an agreement whereby we can pay probation officers fairly for their excellent work and avoid strike action.

T9. [209539] **Mr. Peter Bone** (Wellingborough) (Con): This Thursday, in a constitutional referendum, voters in the Irish Republic will decide whether to transfer more of their sovereignty to the European Union. Will the Justice Secretary bring forward proposals so that British voters are treated the same and have a right to a referendum before any more British sovereignty is transferred to the undemocratic and costly European Union?

Mr. Straw: I am very sorry to disappoint the hon. Gentleman on this occasion, although I am sure that it will be a matter of great relief to those on his Front Bench. I remind him that on any analysis the Maastricht treaty and Single European Act were infinitely wider in scope and involved a much more significant sharing of sovereignty than the Lisbon treaty, and a referendum was always refused by the Conservative Administration at the time.

T10. [209540] **John Mann** (Bassetlaw) (Lab): Considering that the legal services ombudsman has again fined the Legal Complaints Service £250,000 for poor service, what sanctions does my hon. Friend the Minister intend to apply to the regulator for claims handlers, should that service prove over this year to be equally supine and spineless?

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I think that my hon. Friend draws a rather unfair parallel to begin with. The Legal Complaints Service has improved its handling of complaints remarkably over the past few years, thanks to the much more robust quality and standards imposed, for which we ought to pay tribute to it. In its first year, the claims management service has done outstanding work with local authority trading standards officers, and I have every belief that it will continue that high standard of work.

Dr. Julian Lewis (New Forest, East) (Con): I am sure that the whole House will be as dismayed as I was that the Minister with responsibility for freedom of information turned down my request for judges' homes addresses to be released on the same day as those of Members of Parliament. He said that that was because

"High Court judges...are entitled to a private life and levels of privacy that accord with this",

and that releasing their addresses

"would breach their privacy and would be unfair."

However, given that the concern is not so much about privacy as security, did he consider the question of security for judges if their home addresses were released? If not, why did he not do so?

The Minister of State, Ministry of Justice (Mr. Michael Wills): The hon. Gentleman will recall the rest of my letter to him, in which I pointed out that if he read the court ruling carefully he would see that it refers only to the home addresses of Members of Parliament for which they claim allowances. As I hope he will agree, we should all be accountable for the allowances that we receive from the taxpayer. That is the point of the ruling; I merely suggest that he read it again.

Point of Order

3.34 pm

Damian Green (Ashford) (Con): On a point of order, Mr. Speaker, of which I have given notice. I seek your guidance on a matter relating to the conduct of Home Office Ministers.

On 11 July last year, the Prime Minister said in an oral answer that Mukhtar Ibrahim, the leader of the 21 July terrorist attacks, would have been deported under new laws. On 16 July I tabled a question asking for the legislative basis for that assertion, which was quite properly transferred to the Home Office. On 30 October, the ministerial reply came that the Home Office would write to me. It never did, so I asked again. On 29 November, 14 January, 12 March and 20 May, Home Office Ministers said that they would reply as soon as possible.

By any standards, refusing to answer a question for 11 months is an abuse of the House's procedures. Is there anything you can do, Mr. Speaker, to persuade Ministers to stop behaving with such arrogant contempt for the House?

Mr. Speaker: Ministers are responsible for answering questions, but what the hon. Gentleman has described does not appear to be a very good record. He has raised the matter on the Floor of the House, and I hope that the appropriate Ministers will note his complaint.

Alcohol Sales (Regulation of Prices and Promotion)

3.36 pm

Ms Sally Keeble (Northampton, North) (Lab): I beg to move,

That leave be given to bring in a Bill to regulate prices charged for units of alcoholic drinks; to regulate point of sale promotions, advertising and labelling of alcoholic drinks; to establish an industry council to administer the regulation of prices and promotions; and for connected purposes.

The Bill aims to tackle a growing and deeply damaging phenomenon in society: the widespread abuse of alcohol and, in particular, binge drinking. It is a phenomenon that we all see in our constituencies. We see the price that our communities pay in terms of ill health, crime, damage to young people and their education and, ultimately, damage to the economy. Last year a Cambridge university study put the total economic cost of economic misuse at £33.2 billion a year, including £3.2 billion in health costs.

Alcohol misuse is an issue that we have considered frequently in the House, but so far we have tended to focus on the role of pubs and clubs. The Bill concentrates on the role of the retail industry, both supermarkets and smaller shops. There has been a growing awareness of the role of the retail trade in alcohol misuse, but there is now also a growing sense of public anger—expressed just this weekend by the chief constable of Nottinghamshire—at the deep discounting of alcohol which has caused beer to sell more cheaply than water.

Some supermarkets have taken steps to try to manage their alcohol sales more carefully, and there have been a number of good practice codes. However, the continued toll on the public's health, their safety and their patience is a sign that those voluntary measures have not produced the necessary results, and that legislative steps are needed.

Alcohol is accepted in our society. Almost all of us here enjoy a drink, and pubs are one of the great features of our country. Many of us—probably most of us here—will also drink too much on occasions such as holidays and celebrations. This is a difficult problem to tackle: we must draw a dividing line between something that is one of life's pleasures, and something that is the bane of our society.

There is no fixed definition of binge drinking. The Department of Health describes it as drinking half the recommended weekly alcohol intake—about 10 units for men and seven for women, or five pints of beer for men and three and a half for women—in a single session. Some might think that, by today's standards, that is not a vast amount of alcohol.

According to a Government report published in 2005, 23 per cent. of men and 9 per cent. of women said that they were involved in binge drinking. The numbers are increasing, and the consequences are appalling. Over the last nine years the incidence of cirrhosis has trebled, and it is now being found increasingly in younger people, including people in their 20s. The average weekly intake of alcohol by 11 to 15-year-olds has grown from five units in 1990 to more than 11 in 2005, and 13 children a day are now admitted to hospital with drink-related problems.

Alcohol is a factor in 33 per cent. of burglaries and 50 per cent. of street crimes, and in just over half of all

[Ms Sally Keeble]

violent crimes. Just last weekend, a police officer was assaulted and hospitalised while trying to deal with a group of young people drinking on the streets of my constituency, and I am sure that all Members know of similar incidents in their constituencies.

Underlying these statistics is the trend that alcohol is becoming increasingly available at very low prices. Although we in this country complain about taxes on alcohol, according to the Office for National Statistics the ratio of price to average disposable incomes shows that alcohol is 69 per cent. more affordable now than in 1980. There is a strong sense that it is time to set some real boundaries around the sale of alcohol, which is what this Bill seeks to do. It seeks to do it through four key measures.

First, the Bill would provide for a compulsory system of labelling that obliged the manufacturers to show the number of units of alcohol in each container of drink, because in order to make responsible choices people have to know what they are drinking. Perhaps one of the worst examples of this is that a can of beer can contain 1.75 units or 4.25 units depending on the type of beer. That difference will have a dramatically different effect on people's ability to drive home from a night out, for example.

Secondly, the Bill seeks to limit the promotion of alcohol in stores, for example by restricting sales to clearly defined and identified aisles. That would apply to smaller convenience stores as well as supermarkets, as it seems quite wrong that a community store designed for the sale of food should become taken over by alcohol sales, especially just before bank holiday weekends. Other countries have opted for tighter regulation, including the introduction of separate tills for alcohol sales within general stores, or gated areas. Under this provision, it would also be possible to limit promotional material for alcohol, such as prominent counter displays of alcohol.

Thirdly, and perhaps most importantly, the Bill aims to stop the very deep discounting of the price of alcoholic drinks by setting a minimum price for a unit of alcohol. There are a number of different ways to deal with the very low prices of alcohol. Setting a minimum unit price would have no impact at all on the price of a pint in a pub or the cost of an ordinary bottle of wine at the supermarket. What it would stop, however, is very heavy discounting. This measure would also stop once and for all the "happy hour" type promotions, such as that of a pub in Northampton which advertises entry at £12 from 9 pm to 2 am with all drinks included; there would need to be a specification of how many drinks, and at what price.

Finally, in order to set this minimum unit price and the standards for promotion, the Bill would provide for the introduction of an industry-wide council, which would include people from the industry as well as people with expertise from wider society.

In looking at the options for this Bill, I met representatives of a range of organisations, and I would like to thank them for their time and input. Although some of the trade organisations obviously had reservations about some of the Bill's measures, none was hostile to it, and some were particularly supportive. Alcohol Concern, the Police Federation, the National Association of Head Teachers, the British Medical Association and the National Union of Students were strongly supportive and provided help, advice and information. Pubs and clubs were also supportive, as they felt that they had borne the brunt of the existing legal and fiscal measures to tackle alcohol abuse. I am very grateful to these organisations for their support and advice.

Let me offer a final thought. Last December, a young woman was brutally and tragically killed by a gang of drunken youths for no reason other than the style of her clothing. One of the youths, Brendan Harris, aged only 15, admitted to what he had drunk—2 litres of cider, a bottle of Stella Artois and "quite a lot of" peach schnapps. Let us forget for a minute that he should not have been buying drink at all; at today's prices, that amount of alcohol at our major supermarkets would have cost him just £1.42 for 2 litres of super-strength cider—on special offer at £2.13 for 3 litres—33p for the bottle of Stella Artois, on special offer at 60 bottles for £20, and just £1 for his share of the £5.99 bottle of schnapps. That makes a total of slightly less than £3 to get so drunk. We are talking about up to 20.1 units of alcohol, which is twice the level of even a binge drinker, for just £3, and that has to be wrong. That kind of pricing and availability is not about a fair return for retailers; it is about completely irresponsible marketing, for which the public pay a very heavy price, and this Bill sets out to limit it.

Question put and agreed to.

Bill ordered to be brought in by Ms Sally Keeble, Dr. Ian Gibson, Dr. Phyllis Starkey, Dr. Evan Harris, Lynda Waltho, Martin Salter, Mr. Don Foster, Margaret Moran, Mr. Charles Walker, Mr. Elfyn Llwyd, Mr. Gary Streeter and Ms Dawn Butler.

Alcohol Sales (Regulation of Prices and Promotion)

Ms Sally Keeble accordingly presented a Bill to regulate prices charged for units of alcoholic drinks; to regulate point of sale promotions, advertising and labelling of alcoholic drinks; to establish an industry council to administer the regulation of prices and promotions; and for connected purposes.: And the same was read the First time; and ordered to be read a Second time on Friday 17 October, and to be printed [Bill 119].

Counter-Terrorism Bill (Programme) (No. 2)

Motion made, and Question proposed,

That, pursuant to the Order of 1st April 2008 (Counter-Terrorism Bill (Programme)):

1. Proceedings on consideration shall be taken on each of the days allocated for consideration and Third Reading as shown in the following Table and in the order so shown.

2. Each part of the proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

TABLE

Proceedings	*Time for conclusion of proceedings*
First day	
New Clauses, amendments to Clauses, New Schedules and amendments to Schedules relating to Part 1, Clauses 24 to 27 and Parts 4, 5, 7 and 8.	6.30 p.m.
New Clauses, amendments to Clauses, New Schedules and amendments to Schedules relating to Part 3; New Clauses, amendments to Clauses, New Schedules and amendments to Schedules relating to Part 6.	The moment of interruption
Second day	
New Clauses, amendments to Clauses, New Schedules and amendments to Schedules relating to pre-charge detention; remaining proceedings on consideration.	One hour before the moment of interruption

—[Mr. Khan.]

3.47 pm

Mr. Peter Bone (Wellingborough) (Con): On April Fool's day, the programme motion for the Counter-Terrorism Bill was published. Of course, we had no opportunity to debate it at that stage because it had to be voted on without debate, so this is our only chance to speak on the programme motion. The Bill is extremely important, and this programme motion restricts debate. I do not understand why—perhaps the Minister will be able to explain this—we will have to stop our debate tomorrow at the moment of interruption. There may be important statements tomorrow before the business begins, and I do not see why, on such an important Bill, the Government are restricting debate.

What happens so often is that junior Back Benchers do not get an opportunity to debate these matters because our Front-Bench spokesperson speaks, as do the Government and the Liberal spokespeople, and by the time the junior Back Benchers are reached the time has run out. Indeed, many amendments do not get discussed properly at all. Either hon. Members keep their comments brief to enable other Members to get in or other Members do not get in at all, so I do not understand the Government's thinking as to why we cannot carry on tomorrow night's debate.

Unfortunately, there is no way of amending the programme motion. Our only option would be to divide the House, but if we did that it would use up more time that could be used for debating the Bill. So I shall not seek to divide the House on this. Let me just say that in future, unless this Government really want—*[Interruption.]* The Home Secretary laughs; she obviously does not want a full debate on this issue. *[Interruption.]* From a sedentary position, she says that she wants an opportunity to change my mind. That is exactly the point of this House; I will listen to the debate and make up my mind. If the debate is curtailed and if Back-Bench Members are not allowed to put their views, all we hear is what the Government want.

Mr. John Redwood (Wokingham) (Con): Is there not a pattern to this, in that every time there is a serious Bill and real issues to debate, the time is artificially constrained? We are then given debates on things we do not really want to discuss very much and, all too often and all too early, we are then packed off. The Government want a part-time Parliament because they want there to be no scrutiny of their dreadful Bills.

Mr. Bone: I am grateful for that intervention. My right hon. Friend puts it far better than I could.

We had an example only a week or so ago, when the "Yes Minister" Bill was given unlimited debate. It took two hours and 44 minutes, leaving three hours of this Chamber's time unused. If a Bill is not controversial, we are given for ever to debate it, but on a controversial Bill—such as this one, or the one on the Lisbon treaty—our time is curtailed.

If the Government must impose a programme motion, why do they not give us set hours? If there were statements tomorrow, we could at least proceed for that set number of hours, rather than finish at the moment of interruption.

Martin Salter (Reading, West) (Lab): I was a member of the Committee that considered the Bill, and I have to tell the hon. Gentleman that his argument that the Government are seeking to curtail debate is undermined by the fact that Conservative Front Benchers failed to use up all the time available in Committee.

Mr. Bone: I am not sure that that has any relevance to this part of the proceedings on the Bill. What those on the Front Bench do is not my interest; I am much more interested in the rights of Back Benchers to have their say on important matters. This approach reduces the importance of Parliament.

Martin Salter: I am delighted that the hon. Gentleman is prepared to give way again. He talks about the tenuous relationship he has with his Front Benchers, but he should also be aware that the attendance of Opposition Back Benchers in Committee was less than 50 per cent. Again his argument is blown out of the water by the actions of his own party.

Mr. Bone: I will hazard a guess that many hon. Members will wish to speak in the next two days, and many of them will not have the opportunity to do so.

Mr. Charles Walker (Broxbourne) (Con): Does my hon. Friend agree that the role of Back Benchers on both sides of the House is to scrutinise the Executive? Surely we should have a mechanism whereby Back Benchers could demand that extra time be found to debate serious Bills, in the name of democracy and fair play.

Mr. Bone: I am grateful for my hon. Friend's intervention. There is much confusion around the House on this issue, because the Leader of the House said a couple weeks ago in business questions that we could always debate programme motions. That is of course not the case; we can debate them only when they are being amended. There should be a mechanism to allow debate in the Chamber on programme motions. There were 64 last year, which means 64 reductions in the amount of time Back Benchers have to debate issues. If the Government really are a listening Government and want to hear what hon. Members have to say, they must find a mechanism to allow proper debate.

3.53 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I support what my hon. Friend the Member for Wellingborough (Mr. Bone) and my right hon. Friend the Member for Wokingham (Mr. Redwood) have said. I was a member of the Committee and, with the exception of the first session, I attended throughout. One of the most remarkable things that I noticed about the Committee was that the only speeches came from the Opposition, with the exception of the debate on the 42 days. For the rest of the time, the Labour Members did their correspondence and said barely a word. In other words, they played no part in the scrutiny of the Bill, and that is a scandal

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): May I correct the right hon. and learned Gentleman? If he bothers to cast his mind back to the debate in Committee on the 42 days, he will recall that I spoke at some length and he intervened on me several times. That is in complete contradiction to the point that he just made.

Mr. Hogg: The hon. Gentleman simply was not listening. I began by saying that Labour Members spoke on the 42 days, but to all intents and purposes they spoke on nothing else, perhaps because they did not know about the issues or they did not care, or they had been told by their Whips not to do so. Whatever the explanation, it is a dereliction of their duty. When the hon. Member for Reading, West (Martin Salter) comes along to grumble, he had best look carefully at the non-performance of those on his own Benches. Perhaps we have to treat that as water under the bridge, but we do not have to treat the programme motion as water under the bridge. It is a serious attempt to stifle parliamentary debate.

The Report stage is an important moment, because those hon. Members who were not party to the Committee debates have an opportunity to scrutinise the Bill. This programme motion, like so many others of its kind, dissuades hon. Members from participating because they know full well that if they do and if they push things to a Division, it takes time out of subsequent discussion. My hon. Friend the Member for Wellingborough was entirely right: if the Government had wanted to provide additional time, they most assuredly could have done so, because we all know full well that the parliamentary business over recent weeks has been remarkably light. The Bill is important but discussion has been stifled.

By 6.30 pm, or thereabouts, we will have to conclude our discussion on parts 1, 4, 5, 7 and 8 together with that on clauses 24 to 27. That is about three hours to discuss 16 new clauses and about 60 amendments, and some of them are important. For example, there are important changes in the rules that govern post-charge questioning. There are very important changes suggested by Government Back Benchers on the making of control orders. I have tabled measures to improve defences in respect of offences committed under the Terrorism Act 2000. There are attempts to amend the notification requirements, which are extraordinarily oppressive. There are serious attempts in the selected amendments to amend the asset-freezing provisions, which, as currently framed, can bear harshly on innocent third parties. Those are all matters of substantial importance and we will not have an opportunity properly to discuss them. In truth, the chances are that a number of the groups of amendments will never be reached. I hope that the other place will not hesitate to impose amendments on the Bill, especially when this House has not discussed them.

As regards the second part of today's business, the arguments are even more serious as we will be dealing with the provisions that relate to parts 3 and 6. Part 3 relates to the powers of the court to forfeit assets. We need to be cautious about such powers, because they can bear harshly on the offender and on innocent third parties. The House should have the opportunity to discuss amendments designed to protect the said innocent party. Will there be a vote on the matter, or will we be rushed through to the next clauses? I bet that we will. Important things will fall by the wayside.

Then we come to the last group of amendments, which are probably the most important of all. They deal with inquests. The Government are seeking to do a number of fairly malign things. First, they seek to dispose of the jury inquest in an extraordinarily wide range of classes. Amendments have been tabled to restrict those classes. The Government are also seeking a power to nominate their own specially appointed coroner. Is that desirable at a time when the Government have been seeking through court action to gag coroners from making adverse criticisms of Government policy? Again, that is a matter that the House must discuss in detail. The truth is that in three hours, assuming there no relevant Divisions, the House will not be able to do that. In my opinion, that is a parliamentary scandal. We are not performing our historic duty. Worse than that, we are betraying our historic duty, and that is an affront to democracy.

This Government will not be in power much longer. They will be replaced by a Conservative Government, but I am glad that my party's Whip is present on the Front Bench as I have one final message to impart. I hope that he makes a careful note of the fact that I and others will support programme motions only in the most exceptional circumstances or when there is evidence of filibustering. Moreover, I do not expect to be asked to support such motions in the future.

3.59 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I cannot allow the words of the hon. Member for Reading, West (Martin Salter) to go unchallenged, as they were both mischievous and inaccurate. The Committee stage was undertaken in a good spirit, and I thank the Government for largely allowing enough time for debate. It is true that at the very end we were slightly short of time for

consideration of some new clauses, but broadly speaking there was enough flexibility in the timetable motion to render it acceptable.

However, the Report stage is not a prolongation of the Committee stage but a separate part of the consideration of a Bill. Leaving aside tomorrow, the amount of time that we have this afternoon is utterly woeful. The Minister knows very well that the chances of getting through the 21 Government amendments that we must consider before 6.30 pm—let alone all the other amendments—are negligible, and I suspect that we are most unlikely to get through more than two groups of amendments. That is a scandalous state of affairs. It is entirely unnecessary, but it fits a pattern that we have seen so often over the past eight years that it leaves one thoroughly demoralised.

I shall not take up any more of the House's time, as I want to get on with the debate. However, the sooner we get away from this absurd timetabling of Report stages, the better.

4.1 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I endorse what has just been said. I, too, was a member of the Committee, where we did have adequate time for debate. I disagree with the hon. Member for Reading, West (Martin Salter): we did not finish early; if we did, it was by no more than a few minutes.

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): An hour early.

Mr. Llwyd: The Minister says that we finished an hour early, and I said a few minutes, so shall we agree on 60 minutes or 58? To be fair to him, the Minister engaged at all times in the Committee, and we had good debates.

This Report stage is the final process in our consideration of the Bill. We should be collating the arguments and pulling all the strings together so that we can see exactly where we are before the Bill leaves for the other place. It is extremely important that all hon. Members, and not just those who were members of the Committee, can express their opinions. This is probably the most talked about Bill for many years: it deals with dangerous terrorists—but we will be wasting the whole of Thursday on dangerous dogs.

4.2 pm

Ms Dari Taylor (Stockton, South) (Lab): It is totally unfair to suggest that we have not had ample time to discuss this Bill. I am pleased to follow the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who made his point about the Committee proceedings well.

We started discussing this Bill in mid-April. We held an evidence session on 22 April, when we heard from people who were both for and against the Bill. We went into the Public Bill Committee on 29 April, and had five sitting days. We are now, on 10 June, debating the Bill in the House. I believe that we have had sufficient time to look at the detail of the Bill, and it is quite unfair to suggest otherwise.

Mr. Ben Wallace (Lancaster and Wyre) (Con): I am grateful to the hon. Lady for giving way. She says that we had plenty of time in Committee, but some 115 new clauses and amendments, both Government and otherwise, have been selected for debate today. Does she think that six hours is ample time for us to discuss all of them?

Ms Taylor: The House is always faced with time problems, and there is always more business than time for discussion. I would not have taken up the time of the House if the nonsense that we have heard had not been spoken. Without that, we could have started the debate half an hour ago, and yes, I do believe that we can get through all the amendments before us.

4.4 pm

Tom Brake (Carshalton and Wallington) (LD): I shall speak very briefly on the programme motion. There are many substantive proposals in the Bill over and above the 42-day issue, and we must spend the time available today and tomorrow looking at the welcome changes—I shall not call them concessions—that the Government have made in respect of post-charge questioning, which we are about to discuss, or other matters such as sentencing, control orders and inquests.

The fundamental point about the debate today and tomorrow, as opposed to what happened in Committee, is that there is a long list of amendments, many of them tabled by the Government, that we hope to consider in the next couple of days. The issue is the amount of time available in which to do that. I share the concerns expressed by other hon. Members about the fact that there are large chunks of amendments that we will not get to consider today, including those on the notification requirements—an issue that we raised in Committee. If we run out of time today, we hope that the issue can be addressed adequately in the other place, as unfortunately it will not be possible for us to do that today.

4.5 pm

Mr. Charles Walker (Broxbourne) (Con): What we are discussing over the next couple of days is of huge importance. It is probably some of the most important stuff that I will discuss, or try to discuss, as a Member of Parliament in my first Session in the House. The public take a huge interest in the Bill because it is to do with the removal of people's liberties and a whole range of important issues that matter to our constituents. It seems bizarre that when there is an appetite for greater discussion among Back Benchers on both sides of the House, time cannot be found in the parliamentary schedule in which to allow that discussion to take place. I have nowhere hugely important to be this evening after 10 o'clock, or tomorrow evening after 7 o'clock. We are here to discuss hugely important issues. We are discussing locking people up for 42 days without charge. That merits greater discussion than two afternoons' worth.

4.6 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I think that the hon. Member for Stockton, South (Ms Taylor) slightly misled herself, inasmuch as she directed her remarks in this debate on the guillotine motion to what took place in Committee upstairs. The point was well made that the majority of Members were not on the Public Bill Committee, so the rules that govern the Committee are outside our knowledge; we know of what happened only from printed reports in *Hansard*. We are considering the motion before us. The point was

[Mr. Richard Shepherd]

well made by my hon. Friend the Member for Wellingborough (Mr. Bone): there is essentially a hollowing-out of the purpose of Parliament. We simply do not discuss the most major pieces of legislation that bear on our constituents.

I am glad that the hon. Member for Stockton, South spoke, because she is sitting in roughly the place where the late, great Gwyneth Dunwoody sat. Of course, she would have had no truck with the nonsense that the Government have brought forward. In a sense, our only function is to attest that we have looked at the legislation and think, on balance, that it is, or is not, appropriate for the nation. Hon. Friends of mine have mentioned that the Bill touches on one of the most fundamental things that makes us British: freedom. We are to discharge the issue not after consideration of what is appropriate for debate, but merely at the mandate of the Government.

We have had the opportunity to discuss the programme motion, albeit for just 45 minutes, because the Government decided to amend the original guillotine motion. To an extent, I am grateful that they had to amend it, because it gives Members a small opportunity to express their contempt for the way in which business is now conducted. It breaks a trust, and it gives something to the other Chamber: it makes it legitimate for the Lords to argue that what they are doing is in the national interest, whereas we who are commissioned to represent those who vote and send us here are unable to do that.

There is a psychological difference between those on the Government's Front Bench and people such as me. I see the Minister for Security, Counter-Terrorism, Crime and Policing gladly pointing his finger at people, but it makes no difference. The fact remains that Back Benchers in this House are often unable to argue about things that bear directly on our constituents. However high the Government ride, and however strong they may feel for a moment, the House still exists. For their authority, money and existence, the Government depend on the sentiment of the House, which ultimately reflects the sentiment of the country. The guillotine motion should be thrown out.

4.9 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): I wish to place on record my thoughts on the comments of the hon. Member for Stockton, South (Ms Taylor) that the Committee had time to debate the serious matters in the Bill. Clearly, that is not the case. Back Benchers have not had the opportunity to express our views. If we are to believe the Prime Minister, who has made so many concessions on the Bill in order to woo Labour Members to ensure its passage, it is very important for there to be sufficient time for us to understand the consequences of the Bill.

I, for one, will not support the programme motion. It is wrong that we have had our debate curtailed, because those who did not serve on the Committee have not had time to debate the Bill.

4.10 pm

Mark Durkan (Foyle) (SDLP): I have a great deal of sympathy with many of the points being made about the pressure put on the House by the programme motion. However, we know that the recital of protest on behalf of the Chamber is pretty hollow, because the programme motion will go through.

Given the vast number of hours spent by Ministers, Whips and others on telephones and in conversations in corridors and elsewhere on the issue, it is a pity that a little more time could not have been allowed in the Chamber. Hon. Members have tabled many amendments, but with the time pressure that has been created, many of them will not be reached. Hon. Members will not have the time to speak to their amendments or to press them to a Division.

Anne Main (St. Albans) (Con): Rattling through the process, as appears to be happening, may well be seen by many people outside as the House not giving the legislation due scrutiny. Things may be slipped through the net that should not have been slipped through, and we may regret that for many years to come.

Mark Durkan: I thank the hon. Lady for making that point. It is precisely the point that I had intended to come to.

We have been told that the Government have made significant concessions on the Bill and that significant further amendments have been tabled, which are intended to allow parliamentary scrutiny of the use of the new powers, but the House will not be in a strong position to convince people who have doubts about the value of the parliamentary scrutiny involved in the operation of the Bill, because Parliament has been treated so lightly and so glibly.

If this is the amount of impact and scrutiny that we can muster, I am not sure that anyone will believe that the House will have any meaningful influence on the operation of the powers under the Bill. If we are a nod-through House when it comes to a programme motion such as this and on the Bill, we will be a nod-through House when it comes to the use of the very significant powers of pre-charge detention.

4.12 pm

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): I agree with the hon. Member for Foyle (Mark Durkan) that this debate is largely a ritual, but it is useful to examine the facts.

At the start of the process, quite properly, the usual channels asked for two days on Report, rather than just one—they asked for and were given that, because of the importance of the matters covered by the Bill. Within that, they asked that one day be given over—I think that this is unique; I cannot remember a similar occasion in my 10 or 11 years in the House—for a full day's debate on one clause. Tomorrow's debate is on clause 22 only, and that is proper, given its importance. For today's debate, the Opposition asked for and were given a knife at 6.30—again, that was quite proper, as the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) mentioned, because of the importance of the points about the coroner's inquest and other matters. All those requests were met in the interests of debate.

Let us roll back a little further, as I take the general point about Back Benchers having their chance on Second Reading and on Report, and subsequently on

Third Reading, if we reach that stage tomorrow. On Back-Bench input in Committee, the Opposition gently asked for eight sittings and were given 14. Whatever hon. Gentlemen say about junior Back Benchers, that is and has always been the core time for Back Benchers to scrutinise matters in greater detail, as for everyone in the House.

Mr. Hogg: Will the Minister give way?

Mr. McNulty: I shall, because it is very good to see the right hon. and learned Gentleman in his place.

Mr. Hogg: I am grateful to the right hon. Gentleman. Will he understand this about Committees? Generally speaking, whatever we say about Committee selection, the membership of Committees is chosen by Government and Opposition Whips. Consequently, hon. Members who are not chosen by their Whips Offices have only this opportunity really to scrutinise the Bill.

Mr. McNulty: They simply do not, because they can have an input on Second Reading and Third Reading, and at any subsequent consideration of Lords amendments. There are not just the purview of the Front Bench.

David T.C. Davies (Monmouth) (Con): Will the Minister give way?

Mr. McNulty: I will in a moment, because the hon. Gentleman did at least pop into the Committee, although not during the last week. As for the right hon. and learned Gentleman, how many of the 14 sessions did he attend? It was very good of him to pop in. He attended seven out of 14, as has been said. We know that he is a busy man down at the court, running the odd murder trial and everything else, so we are grateful, at the very least. The hon. Member for Monmouth (David T. C. Davies), who sadly could not join us in the last week, missed only four sessions.

David T.C. Davies: The Minister will be well aware that I was not there for the last week because the Home Affairs Committee, which oversees this matter, was visiting Russia, and that included Labour Members. May I point out to the Minister that I had a conversation with a Labour Whip in which I was asked specifically whether I was going, because had I not gone, Labour Members would not have been allowed to go either? I put it to the Minister that I was doing my duty as a member of the Home Affairs Committee. What a shame that the Government did not allow a prominent member of the Home Affairs Committee who is against the 42-day provision to sit on the Committee.

Mr. McNulty: The hon. Gentleman must answer to himself for his priorities. Given what has rightly been said about the earnestness and focus of the Bill, which deals with serious matters, if he wanted to pop off to Russia with the Home Affairs Committee, that is entirely a matter for him.

Mr. Grieve: If I may say so, I think that the Minister is missing the point. I said that I made no complaint about the timetabling of the Committee stage, but the way in which we are ordering our business in the House on Report guarantees in almost every instance, even if the Government graciously grant us two days, that we cannot consider the amendments properly. That is a scandal that requires a little bit of consideration on both sides of the House as to how we solve it. At one time we used to solve such problems by sitting through the night. We have abandoned that. Unless the Government give us more days, we will continue to pass bad legislation because we cannot give it adequate scrutiny on the Floor of the House.

Mr. McNulty: None the less, the House has been afforded, through the usual channels, one day's debate on one clause, quite properly, given its nature, as was quite properly agreed through the usual channels.

Mr. Walker: Will the Minister give way?

Mr. McNulty: Not at the moment, with respect.

Mr. Llwyd: I point out gently to the Minister that during the passage of the Maastricht Bill, we spent several days discussing just one clause, so it is not unique. Yes, the Committee did spend days discussing one clause. Members here remember that. But no one is arguing about the time allowed in Committee. That was adequate; perhaps even more than adequate. The point now is that the Minister said on several occasions during our debates that he would take a matter away and come back on Report. We are here now on Report and there is a vast amount of stuff to come from the Minister, on which we have yet to know what precisely his thinking is. That is how crucial that is now.

Mr. McNulty: Exactly so. With respect, the hon. Gentleman cannot have it both ways. He cannot complain about the time afforded on Report because of the number of Government amendments, and in the next breath, as he quite fairly acknowledged, say that much of what has come back, certainly for today's business, is a result of our having gone away, reflected and come back again. To be fair to the hon. Gentleman, at the very least he was an assiduous attender, far more than some others, which is perhaps why they are so quiet. Uniquely—perhaps this is why they are so quiet—we had better attendance from Liberal Back Benchers than from Liberal Front Benchers. On balance, the contributions by Liberal Back Benchers were significantly better than those by Liberal Front Benchers, for which I was enormously grateful.

We are discussing serious matters, and it is right and proper to debate the guillotine, if hon. Members want to do so, but that debate must take place in the wider context of the process and passage of the Bill through this House, which was broadly agreed throughout by Front Benchers on both sides. I commend the programme motion to the House.

Question put:—

The House divided: Ayes 310, Noes 212.

Division No. 214] **[4.20 pm**

AYES

Abbott, Ms Diane	Anderson, Mr. David
Ainger, Nick	Anderson, Janet
Ainsworth, rh Mr. Bob	Armstrong, rh Hilary
Alexander, rh Mr. Douglas	Austin, Mr. Ian
Allen, Mr. Graham	Bailey, Mr. Adrian

Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda

Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Alison Seabeck and
Mr. Dave Watts

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Blunt, Mr. Crispin
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Cable, Dr. Vincent
Cameron, rh Mr. David
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evennett, Mr. David
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Oaten, Mr. Mark
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robertson, Hugh
Robertson, Mr. Laurence
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. Douglas Hogg and
Mr. Peter Bone

Question accordingly agreed to.

Orders of the Day

Counter-Terrorism Bill

As amended in the Public Bill Committee, considered.

[1st Allotted Day]

[Relevant documents: The Second Report from the Joint Committee on Human Rights, on Counter-Terrorism Policy and Human Rights: 42 days, HC 156, the Ninth Report from the Committee, on Counter-Terrorism Policy and Human Rights: Counter-Terrorism Bill, HC 199, and the Government Response, Cm. 7344, the Tenth Report from the Committee, on Counter-Terrorism Policy and Human Rights: Annual Renewal of Control Orders Legislation 2008, HC 356, the Twentieth Report from the Committee, on Counter-Terrorism Policy and Human Rights: Counter-Terrorism Bill, HC 554, and the Twenty-first Report from the Committee, on Counter- Terrorism Policy and Human Rights: 42 Days and Public Emergencies, HC 635.]

New Clause 18

Recording of interviews

'(1) This section applies to any interview of a person by a constable under section 24, 25 or 26 (post-charge questioning).

(2) Except as provided by order of the Secretary of State

(a) any such interview must be video recorded, and

(b) the video recording must be with sound.

(3) The Secretary of State must issue a code of practice about the video recording of interviews to which this section applies.

(4) The interview and video recording must be conducted in accordance with that code of practice.

(5) An order or code of practice under this section

(a) may make provision in relation to a particular part of the United Kingdom, and

(b) may make different provision for different parts of the United Kingdom.

(6) Any order under this section is subject to affirmative resolution procedure.'. *[Mr McNulty.]*

Brought up, and read the First time.

4.38 pm

The Minister for Security, Counter-Terrorism, Crime and Policing (Mr. Tony McNulty): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: Government new clause 19 — *Issue and revision of code of practice.*

New clause 4 — *Post-charge questioning: safeguards*

'(1) Reference in this section to "post-charge questioning" relate only to post-charge questioning for a terrorism offence, in accordance with section 27

(a) in England and Wales, in accordance with section 24;

(b) in Scotland, in accordance with section 25; and

(c) in Northern Ireland, in accordance with section 26.

(2) Post-charge questioning must be judicially authorised in advance.

(3) Post-charge questioning shall be confined to questioning about new evidence which has come to light since the accused person was charged and which could not reasonable have come to light before.

(4) The total period of post-charge questioning shall last for no more than five days in aggregate.

(5) Post-charge questioning may only take place in the presence of the defendant's lawyer.

(6) Post-charge questioning shall always be video-recorded.

(7) The judge who authorised post-charge questioning shall review the transcript of the questioning after it has taken place, to ensure that it remained within the scope of questioning under subsection (3) and was completed within the time allowed under subsection (4).

(8) Post-charge questioning for a terrorism offence shall never be permissible after the beginning of the defendant's trial for that offence.'.

Government amendment No. 57.

Amendment No. 16, page 17, line 12, clause 24, at end insert

'(3A) Subject to subsections (3B) to (3E) a constable may question a person about a related terrorism offence where the person has already been charged with, or been officially informed that they may be prosecuted for, a terrorism offence.

(3B) A police officer of at least the rank of superintendent may make an application to a judge of the Crown Court for permission to allow a constable to question a person under subsection (2), if the police officer reasonably believes that the person may be charged with a related terrorism offence.

(3C) A judge may grant permission for further questioning under subsection (2) only if satisfied by evidence that:

(a) there are reasonable grounds for believing that the original charge was appropriate to bring; and

(b) it is in the interests of justice to allow further questioning in the circumstances.

(3D) Where a judge grants permission for further questioning under subsection (2C) he shall make such directions as he considers appropriate with regard to:

(a) the maximum permitted period for further questioning;

(b) the total length of time over which further questioning is permitted; or

(c) any other directions as required in the interests of justice.

(3E) A "related terrorism offence" means a terrorism offence arising in whole or in part from the same set of facts as the offence with which the person has already been charged, or officially informed that they may be prosecuted.'.

Amendment No. 15, page 17, line 40, clause 25, at end insert

'(3A) A police officer of at least the rank of superintendent may make an application to a judge of the High Court for permission to allow a constable to question a person under subsections (2) and (3) above if the police officer believes that the person may be charged with a related terrorism offence.

(3B) A judge may grant permission for further questioning under subsection (2) and (3) only if he is satisfied by evidence that

(a) there are reasonable grounds for believing that the original charge was appropriate to bring;

(b) it is in the interests of justice to allow further questioning in the circumstances; and

(c) that further questioning would not be oppressive.

(3C) Where a judge grants permission for further questioning under subsection (3B) he shall make such directions as he considers appropriate with regard to

(a) the maximum permitted period for further questioning;

(b) the total length of time over which further questioning is permitted; or

(c) any other directions in the interests of justice,

and these directions shall be subject to variation on application by either party to the same court.

(3D) A "related terrorism offence" means a terrorism offence arising in whole or in part from the same set of facts as the offence with which the person has already been charged, or officially informed that they may be prosecuted.'.

Government amendments Nos. 58 and 59.

Amendment No. 14, page 61, line 18, clause 92, at end insert ', subject to subsection (7).'.

Amendment No. 45, page 61, line 18, at end insert 'subject to subsections (7) and (8)'.

Amendment No. 13, page 61, line 21, at end add—

'(7) Section 24 (post-charge questioning: England and Wales) shall not come into effect until the codes of practice under section 66 of the Police and Criminal Evidence Act 1984 (c. 60) and referred to in section 24(4) shall have been agreed by a resolution of each House of Parliament.'.

Amendment No. 46, in page 61, line 21, clause 92, at end add—

'(7) Section 22 (period of pre-charge detention) and Schedule 2 (amendments relating to a period of pre-charge detention) shall not come into effect until the codes of practice under section 66 of the Police and Criminal Evidence Act 1984 regulating such detention shall have been approved by a resolution of each House of Parliament.

(8) Section 24 (period of post-charge questioning) shall not come into effect until the codes of practice under section 66 of the Police and Criminal Evidence Act 1984 and referred to in section 24(4) shall be approved by a resolution of each House of Parliament.'.

Mr. McNulty: I begin by reminding hon. Members that some further documents should be read alongside this group of amendments and new clauses. I made it clear in Committee that, were I in a position to do so, I would produce draft PACE—Police and Criminal Evidence Act 1984—codes for post-charge questioning. We have done so and I am assured that they are available in the Library, if not the Vote Office. For the sake of completeness, I agreed that with regard to clause 1 on the "Power to remove documents for examination", I would introduce draft amendments to code B of PACE. We have done that, and they are also available. Finally, there were draft rules of court relating to the asset-freezing provisions. I said that I would introduce draft rules of court relating to asset-freezing, and they are also available. That is important, not least because, although there has been widespread support for the introduction of post-charge questioning for the offence charged in terrorism cases, people have rightly been concerned that safeguards should be put in place to protect the rights of those subject to questioning. I said in Committee that I had previously considered it better to leave the safeguards to the PACE codes, which is the normal practice in such circumstances. However, on reflection, I have decided that some safeguards should be included in the Bill, as hon. Members can see from our amendments.

Government new clauses 18 and 19 introduce a compulsory requirement for post-charge questioning to be video recorded. We believe that video recording of all interviews will guard against accusations that the questioning of the suspect was oppressive, although there are some areas, for example in Scotland, where facilities for video recording with sound are not yet available. I know that this is clumsy, but there is therefore a power for the Secretary of State to disapply the compulsory requirement in Scotland by means of an affirmative order.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I welcome the requirement that the right hon. Gentleman has just outlined and it would be a good precedent for establishing the same for other forms of questioning. Video recording should be extended throughout questioning under the PACE rules.

Mr. McNulty: I do not doubt that that is an absolutely fair point, but it is not relevant to our deliberations. However, I am sure that the right hon. and learned Gentleman will pursue the matter elsewhere.

Government amendments Nos. 57, 58 and 59 mean that post-charge questioning for terrorism suspects could be authorised for up to 24 hours, in the first instance by an officer of the rank of superintendent, and that any subsequent questioning would require authorisation by a justice of the peace. The justice of the peace could authorise detention for post-charge questioning for a maximum period of up to five days if they believed that such questioning was in the interests of justice and that the police were conducting their investigation diligently and expeditiously. Further periods of detention for questioning would require a further application to a justice of the peace.

I have also prepared an initial draft of PACE code H, which will apply in the post-charge questioning of terrorism suspects, and that includes further safeguards. In particular, those PACE safeguards will include a right to legal representation during all questioning, will require the authorisation of post-charge questioning by an officer of the rank of at least superintendent in conjunction with the prosecutor, and will limit the circumstances in which the questioning could proceed. Our amendments, when considered in conjunction with the amendments to PACE code H, will provide sufficient safeguards for suspects subject to post-charge questioning.

I would like now to comment on the amendments and the new clause tabled by others, which all call for authorisation by a judge. That would be inappropriate, as it would create a significant and unnecessary burden. Authorisation by a High Court judge could require extensive work by the police and the prosecutors to prepare the case for judicial authorisation. Furthermore, as the Director of Public Prosecutions told the Committee,

"judicial oversight…could significantly slow down the process."
[Official Report, Counter-Terrorism Public Bill Committee, 22 April 2008; c. 45, Q118.]

Amendments Nos. 15 and 16 would require a judge to accept that

"there are reasonable grounds for believing the original charge was appropriate".

That could lead to lengthy proceedings, which could be tantamount to the trial for the offence. Authorisation by a judge would also be a costly use of the court's time.

New clause 4 would prevent post-charge questioning before the commencement of trial. The Government do not believe that the Bill should make express provision for that, as there may be situations when questioning close to the trial is unavoidable, such as to prevent the person from causing injury to others or if a retrial were to occur. In such cases, every effort would be made to discuss the issue with the suspect, or his or her legal representatives, in order to minimise disruption to the court process. Guidance on that is covered in the draft codes of practice, which make it clear that police and prosecutors should seek to avoid post-charge questioning that may limit or restrict the ability of the person, or his or her defence, to prepare adequately for court proceedings.

[Mr. McNulty]

New clause 4 would require the presence of the defendant's lawyer before questioning could take place. The Government accept that all those subject to post-charge questioning should have access to legal representation. Indeed, we have made explicit provision for that in the draft codes of practice. However, we are concerned that new clause 4 would allow the suspect to veto questioning, as they could simply refuse to allow a lawyer to represent their interests.

New clause 4 confines the questioning to new evidence that has become available since the accused person was charged. We believe that it would not be appropriate or practical to confine post-charge questioning to new evidence that has become available only following charge.

Mr. Dominic Grieve (Beaconsfield) (Con): The Minister will know that we registered some anxiety in Committee over the question of whether such questioning should be confined to new evidence. Another issue was whether the Government are right that re-interviewing can always take place when a separate charge is being considered. The Minister will know that there have been mixed views about that, so will he comment further?

4.45 pm

Mr. McNulty: If the hon. and learned Gentleman will bear with me, I will come to that shortly.

As I was saying, we think that confining post-charge questioning to new evidence could make all post-charge questioning subject to challenge on the basis of whether the evidence was available at charge. We also consider that there may be circumstances in which it would be appropriate to question the suspect about evidence available pre-charge—for example, analysis of evidence collected after charge could cast a new light on evidence that was available pre-charge. This is a dynamic process, as people will know.

Amendments Nos. 15 and 16 would allow questioning after charge for offences other than the offence for which an individual has been charged—namely, a "related terrorism offence". The Government believe—and the matter has already been alluded to—that this is already possible. If, for example, the police charge a suspect with a lesser terrorism offence and further evidence becomes available that a more serious offence was committed as part of the conduct in question, the police could re-caution the suspect—or re-arrest them if on bail—and interview them about the more serious offence.

We believe that judicial review of the transcripts of post-charge questioning is also unnecessary, as the trial judge could refuse to allow prosecution evidence if it was believed that it had been obtained by unfair questioning, including confessions obtained through the oppression of the suspect. It is also unclear what actions a judge reviewing a transcript would undertake, should discrepancies be found.

Finally, amendments Nos. 13, 14, 45 and 46 would require codes of practice for post-charge questioning and pre-charge detention before the Bill could come into effect. It is already the case that codes of practice must be issued for post-charge questioning; as I have said, draft codes have already been circulated. Pre-charge detention provisions will only require minor amendments to PACE codes. Although these will be done before anyone is detained pursuant to these provisions, having a statutory requirement for those codes to be issued and approved by Parliament before commencement is, we think, unnecessary, so I ask Members not to press any of these four amendments.

For the reasons I have outlined, I commend Government amendments Nos. 57, 58 and 59, as well as Government new clauses 18 and 19, to the House. In doing so, I accept, as I acknowledged in Committee, that these are sensitive matters and that post-charge questioning is not a simple panacea. I also accept that a whole range of models of post-charge questioning are proffered by various experts.

Pete Wishart (Perth and North Perthshire) (SNP): The Minister will know of the particular sensitivity about how this provision will apply to the Scottish legal system. He will be aware that it is a principle of Scottish common law that when someone is arrested and charged, they become the ward of the court and it is crucial that nothing is done to prejudice their trial. Does he accept that there are issues, perhaps difficulties, with how post-charge questioning will apply to Scottish common law?

Mr. McNulty: I do, just as there are in the broader sense of the common-law base. That is what we are trying to get around. I genuinely believe that we have reached a place where post-charge questioning could work. It is a shift—a concession, in a sense—on my part from saying that it could all be done through PACE 2 to having some safeguards built into the Bill. I genuinely think that we have got the balance about right, notwithstanding what the hon. Gentleman says about Scottish common law. I commend the amending provisions to the House.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Deputy Speaker. The Minister said that the draft PACE codes were freely available. I have been to check at the Vote Office and found that they are not available.

Mr. Deputy Speaker: That is not a matter for the Chair, and I am sure that any omission will be put right as soon as possible.

Mr. McNulty *rose*—

Mr. Deputy Speaker: Does the Minister wish to speak?

Mr. McNulty: Further to that point of order, Mr Deputy Speaker. I had finished my speech and sat down, but I want to point out that I thought that I had made it clear that the documents were in the Library, not the Vote Office.

Mr. Grieve: I thank the Minister for listening to some of the representations made in Committee on post-charge questioning. Although I shall have to disagree with him in a little while on one matter, I want to make it clear that I am the first to acknowledge that the Government did listen and that new clauses 18 and 19 reflect that. I go further and am prepared to acknowledge that

Government amendments Nos. 57 to 59 also attempt to reflect some of the concerns raised in Committee about the process.

It is almost universally agreed on both sides of the House that post-charge questioning is desirable in terrorist cases. That said, there has perhaps always been a slight tendency to see it almost as a panacea that can simply be wafted in without much further consideration. Plainly that is not the case, as the Minister acknowledged in Committee.

First, as I have always accepted, post-charge questioning will not necessarily deliver all sorts of remarkable results. Secondly, when a person has been charged, one cannot simply ignore the fact that that point in the criminal justice process has been reached. Within a few hours, or overnight, the person is likely to be brought before a magistrates court. Under the fast-track procedure on committal that this country now has, the person is usually also in the Crown court within a very short period.

The measure envisages the possibility of a person being interviewed, or re-interviewed, right up to the moment when the trial process begins. In those circumstances, it is perfectly obvious that injustice could take place, and that the process could also be oppressive. As the Minister acknowledged in Committee, were any of those things to take place, at worse the trial process might be vitiated as unfair, in which case we would not get a true verdict and someone might escape prosecution, or it might result in the end of the prosecution process altogether. It is therefore in everybody's interests that we succeed in getting things right.

In new clauses 18 and 19, the Government have done exactly the right thing in respect of video recordings and the PACE codes. I greatly welcome that, and we will support them. But the Opposition continue to have a difficulty over whether judicial authorisation should take place. The Minister thinks that judicial authorisation or scrutiny would be ponderous. My feeling is that it need not be ponderous at all. If he will consider our amendments Nos. 16 and 15, he will note that we have moved the process from the High Court, as we discussed in Committee, to the Crown court. In all probability, much of the questioning will take place when the defendant is already before the Crown court, and the Crown court judge, who might eventually do the trial or whatever it might be, will already be seized of the matter.

Making an application to the court ought not to be a complicated matter; it is a matter of someone attending a Crown court for a couple of hours on a weekday morning for the sorts of applications that take place routinely in criminal justice proceedings. In most cases, I am absolutely confident that the judge, having considered and had the reasons for a further interview being required explained to him, would have absolutely no difficulty in giving the authorisation. Such a process would provide for a level of scrutiny, whereas the Government's proposals, to which I shall return, seem not to do so. Slightly more bizarrely, the Government have made a move in our direction about providing a measure of judicial scrutiny, but in a way, as I shall try to illustrate in a moment, that will not really make any difference.

Mr. Hogg: May I explore my hon. and learned Friend's thinking on this matter? Is he suggesting that the application should be ex parte or inter partes?

Mr. Grieve: The application should be inter partes, but an inter partes hearing in front of a Crown court judge need not take up an enormous amount of court time. All that needs to be done is for the prosecution to indicate to the defence that it wishes to re-interview and that it has the grounds to fulfil the necessary criteria. It is possible, of course, that the defendant will consent to being re-interviewed. If he consents with his lawyers present, I do not see why the interview should not proceed without an application, but if there is an argument over it, presumably the matter could be put before a Crown Court judge, who could reach a decision after considering the circumstances. He could also exercise a watching brief, so that if a problem arose, an application might again be possible.

Mr. John Gummer (Suffolk, Coastal) (Con): Surely the procedure would be complicated and difficult only if there were a large number of such cases. Given that such cases will be unusual, the procedure surely does exactly what my hon. and learned Friend wants: it ensures that there is a little halt while people decide whether it is sensible to re-interview someone. Will he press the Government to tell us how often they think the procedure is likely to be used?

Mr. Grieve: I am happy to press the Minister to answer that question, but I think that I can almost give my right hon. Friend the answer now. In Committee, we discussed the number of times that the problem was likely to arise. We need only consider the number of terrorist cases. Mercifully, we are not so burdened with those at present that such circumstances are not unusual, and I do not believe that they will arise very often.

The other reason why I think the circumstances will not arise very often—and it is one of the reasons why I consider Government amendment No. 57 to be deficient—is that people who have been detained for a long time without charge have not necessarily been questioned for very long. Amendment No. 57 would allow a person to be questioned for 24 hours, although obviously not continuously, on the authority of a senior police officer. Only after that would it be necessary to obtain permission from a magistrate to continue the questioning for another five days. It is at that point that I begin to feel that the Government are not really addressing the issue.

We know that there have been two instances in which a person has been detained for up to 28 days and subsequently charged. As it happens, I have the figures before me showing the amount of time in those 28 days for which those people were actually questioned. One was questioned for 13 hours and 29 minutes in all, while the other was questioned for 14 hours and 34 minutes. In one case, the longest interview lasted for one hour and 58 minutes, and in the other it lasted for one hour and 37 minutes.

After the 14th day of detention, one defendant was not interviewed on 14 days in the subsequent 14-day period, and the other was not interviewed on 11 days. The figures break down as follows: in the case of one, 38 minutes on day 19, 14 minutes on day 20, one hour and 11 minutes on day 26, and 15 minutes on day 27; in the case of the other, 54 minutes on day 19, one hour and 58 minutes on day 20, and one hour and 17 minutes on day 26.

[Mr. Grieve]

Quite apart from illustrating the fact that interviewing is probably not the central aspect of the problem of investigating offences, those figures emphasise that if amendment No. 57 were passed, the chances are that it would have no impact whatever on the present position, because the chances of someone being interviewed for 24 hours post-charge are so negligible that they can be entirely ignored. If we are to allow post-charge questioning with some supervision, which the Minister has begun to concede in certain cases, we may as well grasp the nettle and say that it should apply in all post-charge cases. That would obtain whether the Minister were minded to adopt our amendment No. 15 or new clause 4.

Mr. David Heath (Somerton and Frome) (LD): I share the hon. and learned Gentleman's view that the Government have moved in the right direction following the discussions in Committee. There is one further anxiety that he has not yet mentioned, however. He said, inadvertently I think, that his judicial supervision would test whether the questioning was required. I see a distinction between what the Government amendment says and his amendment. The Government amendment says

"that further questioning of the person is necessary in the interests of justice",

and it is important that the interests of justice are included here. His amendment says, however, that

"it is in the interests of justice to allow further questioning in the circumstances."

That is an important distinction, and I support his formulation rather than the Government's because his words state that all circumstances should be taken into account by whatever level of judicial supervision to ensure that the interests of justice, rather than the necessity to pursue an investigation, are served.

5 pm

Mr. Grieve: I am grateful to the hon. Gentleman, and I agree. Although I am sure that there are different ways of approaching this—and I am always conscious when proposing an Opposition amendment that it will often be easy to find flaws in it as it will have been drafted without having all the benefits provided by civil servants—I would be grateful if the Minister could respond to amendment No. 16, because it seems to me to set out a perfectly sensible and rational way of proceeding. It says:

"A police officer of at least the rank of superintendent may make an application to a judge of the Crown Court…A judge may grant permission…if satisfied by evidence that:

(a) there are reasonable grounds for believing that the original charge was appropriate to bring; and

(b) it is in the interests of justice to allow further questioning in the circumstances"

and:

"Where a judge grants permission for further questioning…he shall make such directions as he considers appropriate with regard to:

(a) the maximum permitted period…

(b) the total length of time over which further questioning is permitted; or

(c) any other directions as required in the interests of justice."

Furthermore, we use the expression that I picked up with the Minister: a "related terrorism offence", which

"means a terrorism offence arising in whole or in part from the same set of facts as the offence with which the person has already been charged, or officially informed that they may be prosecuted."

That is included because I have always had the slight anxiety, which the Government do not appear to share, that there may be a successful challenge to the notion that just because a person is charged with a particular offence, we can automatically go and charge them with another. My gut instinct is that that might be wrong because, in practising criminal law, I have been under the impression that if the matter arises entirely from the same facts, at present there may be objection, although I am conscious that the Minister has been advised—by his civil servants, I think—that that is not the case. To help the Government and because I would much rather that this situation did not arise, we have used the expression a "related terrorism offence", which I hope effectively covers that point.

Mr. Hogg: I basically agree with my hon. and learned Friend. However, it is possible that both the Government proposal and his amendment might preclude a defendant or offender from being re-questioned if they wished to be so in order to clarify what they had said before. Perhaps we should consider whether the changes should be drafted in such a way as to make it plain that an offender could request re-questioning in order to clarify something or for some other reason.

Mr. Grieve: My right hon. and learned Friend raises an interesting point, although, at this stage, I fear that we shall have to consider it in another place. However, in trying to approach the debate in the same spirit in which I know the Minister has approached it—I repeat my gratitude to him for having taken on board the matters that have been raised—let me say that the Government have the opportunity to look at this further, so that we have a system with which we are all happy.

I do not want to take up much more of the House's time, so let me simply reiterate that I do not believe that judicial supervision will produce any obstacle to achieving what the Government want. I do not think it will take up time. I do not even think it will cost very much. For all those reasons, it would be wise to include it in the Bill.

Just so that the Minister knows it, our position is that we will welcome new clauses 18 and 19, but I say with some regret that we will vote against amendment No. 57, because we would like the opportunity for our amendment No. 16 to be put before the House. Alternatively, if the hon. Member for Hendon (Mr. Dismore) chooses to press new clause 4 to a Division, we will support him. With that in mind, I hope that whatever the outcome of this evening's debate, the Minister will examine this matter as the Bill goes through the House of Lords. I have no doubt that their lordships will be taking an interest in the matter, and it is in everybody's interest that we should get it right.

Mr. Andrew Dismore (Hendon) (Lab): I am grateful to have the opportunity to follow the hon. and learned Member for Beaconsfield (Mr. Grieve), and I agreed with everything that he has had to say about this matter. I am also grateful to my right hon. Friend the Minister

for the way in which he has approached it constructively and has moved the debate on a bit. The Joint Committee on Human Rights, which I have the honour of chairing, first recommended the introduction of post-charge questioning as long ago as July 2006 as a way of improving prosecution and as a human rights-compliant alternative to pre-charge detention. The proposal was part of a wider package of measures that we suggested.

I accept, as the hon. and learned Member for Beaconsfield has done, that this measure is not a panacea. I also accept the comment of the former deputy assistant commissioner, Peter Clarke, that it is unlikely that a suspect would answer questions after charge, because they do not do so pre-charge. The important fact is that the measure would give us the opportunity to draw adverse inferences at trial if a suspect was not prepared to co-operate.

The Government say that the measure does not breach article 6—the right against self-incrimination—and we agree with that, but only if the right safeguards against the oppressive use of post-charge questioning are put in place. That view is shared by Lord Carlile, the independent reviewer of terrorism legislation. His report on the proposed measures for this Bill stated that the provision

"would require careful amendment to the current Police and Criminal Evidence Act 1984 Codes of Practice, or an additional and specific Code."

He says that that is particularly the case with regard to

"limitations on its extent, and…protection of the suspect from arbitrariness."

In particular, he mentioned the importance of judicial supervision of the exercise of the power and the need to amend the code to

"include protection against repetitive or oppressive questioning."

That view was shared by the eminent Professor Clive Walker and Professor Ed Cape, who is a criminal law professor, when they gave evidence to our Committee. They both expressed their strong concerns about the need for a number of detailed safeguards, particularly because the situation is different after charge, when the accused is in a particularly vulnerable position compared with the position pre-charge. Although many of the physical conditions could be dealt with in the PACE codes, it is important to set out in primary legislation the purpose of the questioning, the limitations on it—in particular, that it should be confined to new evidence—and the need for judicial supervision.

My new clause 4 would give effect to a series of recommendations proposed by the Joint Committee on Human Rights in its eighth report on counter-terrorism policy, published in February 2008, and in its 10th report on the subject. I am pleased that the Government have accepted some of our recommendations in principle and that we have made progress on others, although decisions remain on some.

The two key issues are those highlighted by the hon. and learned Member for Beaconsfield: judicial authority and the time limit for questioning. In their original responses, the Government merely said that it is the prison governor's responsibility thoroughly to scrutinise the request, as they do for post-charge interviews and other matters—and that was about it. Our view was pretty clearly that that was an inadequate safeguard.

We now have the proposal on authorisation for 24 hours by a superintendent—presumably, that is again subject only to what the prison governor may or may not have to say about it, and that is not much of a safeguard—and the possibility of authorisation in chunks of five days by magistrates. Of course, it is not just one batch of five days; it can be repeated five days at a time. Some progress has been made, but the position is a long way short of the safeguards that are needed.

I stand by our report's view that there should be judicial supervision. We have judicial supervision of pre-charge detention, for the purpose ultimately, I suppose, of questioning the suspect, so what is wrong with post-charge questioning also being subject to that judicial authority? Why choose the magistrates? We can only assume from the explanation that we have been given by the Minister that the magistrates would be expected to undertake rather less scrutiny of the police and Crown Prosecution Service request than a High Court or circuit judge would. We are told that it might slow down the process, but it is less time-critical because we are talking about after charge, not before.

I am very concerned about the five-day chunks, because they could become oppressive. We could end up with a cat and mouse game with the suspect. There is no reason why the police should not be able to organise their questioning before they start. We must also bear in mind the fact that a suspect may be on bail, because the offence is not one of the major or serious ones. In that case, the suspect could be rearrested and interviewed in detention for five days at a time.

We are also concerned about the sort of evidence that should be put to the suspect. We accept the argument that it should include new evidence that has come to light post-charge, such as computer decrypts or evidence from overseas that could not reasonably have been received before, but there is a risk of oppressive questioning if old evidence is regurgitated and old questions are put again, effectively giving the police a second bite at the cherry. The new draft PACE code seems to be on the same wavelength as we are with that point, but our view is that, because this is such an important development, the safeguards should be in the Bill.

Chris Bryant (Rhondda) (Lab): I presume that some of my hon. Friend's new clause would be redundant if Government new clauses 18 and 19 were to be added to the Bill. I understand the point that he makes about post-charge questioning on only new evidence, but I do not understand the point about evidence that

"could not reasonable"

I think that that is a typographical error and should read "reasonably"—

"have come to light before."

What would happen if another suspect in the same case decided to provide some evidence that he had—in his mind—reasonably withheld until that point? He might be held to have done so unreasonably, in which case I presume that questioning on it would not be allowed.

Mr. Dismore: Ultimately that will be for the judicial authority to decide, but we are talking about a case in which, say, a computer has been seized and is in the possession of the police, but has not been decrypted. If the decryption comes after charge, it would be reasonable for that evidence to be put to the suspect. Similarly, if another suspect turns Queen's evidence and decides to confess, that is evidence that could not reasonably have

[Mr. Dismore]

been available to the police before. It is a question of common sense. We added that provision to our original intentions to cope with scenarios in which new evidence came to light that might have been available before, but could not have been put to the suspect for those sorts of reasons. That part of the new clause is clear.

We wanted to provide for the presence of the defendant's lawyer, and the Government have accepted that in principle in the draft PACE code. It is an important safeguard that should be included in the Bill.

We also want the interviews to be video-recorded, and I am pleased that the Government's amendments will give effect to that. My right hon. Friend the Minister has explained that the exceptions that troubled me in new clause 18(2) were to cover Scotland, so I shall not press that point.

New clauses 4, 7 and 8 would require the judge to review the transcript and provide that there should be no questioning after the start of the trial. The Government appear to agree with the second point, but say that that should be up to the trial judge. Our view is that such a safeguard should be included in the Bill, primarily to ensure that the rules are followed. It should not be left to the uncertainty of how a trial judge may react. For example, if a case is adjourned

Mr. Grieve: I agree entirely with the hon. Gentleman. I find it inconceivable that someone could be interviewed during a trial.

Mr. Dismore: I agree, but unless it is excluded, one cannot say for sure that it will not happen. The PACE code seems to be heading in that direction. Let us suppose that a trial were adjourned for some reason. The trial judge could allow questioning to go ahead because there was time for it. The only way to prevent that for sure and ensure that the rules are kept is to include a provision in the Bill. That is why we also want to provide that the judge should review the transcript of the examination of the suspect, because the judge can then check whether the parameters laid down when he or she gave consent have been properly followed. That would effectively mean that the whole process would be subject to judicial supervision, which is what Lord Carlile and the eminent professors seem to recommend, and with which we agree. We should not leave those fundamental and essential safeguards to the uncertainties and vagaries of a trial judge, who may react in a different way.

To conclude, we certainly welcome the introduction of post-charge questioning. There is a considerable measure of agreement about the safeguards. We need, in particular, proper judicial authorisation and fair maximum time limits to avoid oppressive questioning and the risk of no fair trial, which would be the case if new clause 4 were not accepted.

5.15 pm

Tom Brake (Carshalton and Wallington) (LD): I, too, want to start my comments by thanking the Minister for what he has taken on board from the concerns that were expressed in Committee. I am sure that other Opposition Members have had the experience of serving in Committee when a range of amendments have been tabled, many of which were perfectly straightforward, and none has been taken on board. Here, we have an example of some having been taken on board and the Government coming back with their own proposals. From that point of view, it has been a positive experience.

It is clear that there is almost universal consensus that post-charge questioning is necessary, but there is also almost universal consensus on the limits of its effectiveness. The Minister has said that it is not a silver bullet, and all Members in the House, and those who were on the Committee, would agree, because terrorists are inclined not to respond to questions. Post-charge questioning should be part of the panoply of tools or measures that are at our disposal to tackle terrorist cases.

I am pleased to say that, with varying degrees of enthusiasm, the Liberal Democrats can support all the amendments, from the proposals tabled by the Government to those tabled by the official Opposition and the Joint Committee on Human Rights. The Government's proposals create a system of safeguards over post-charge questioning, including judicial oversight by justices of the peace after the first 24 hours and video recording of the interview.

The Conservatives have tabled a group of amendments that involve an application to the Crown court, which can then judge the legitimacy of the case and set out conditions. The Minister described those amendments as creating a burden, but there are clearly cases where it is worth creating a burden because a contribution is made. Members often bemoan the number of forms that the police have to complete, but there are some good reasons why some of those forms are completed. They create a burden, but they make a positive contribution. The hon. and learned Member for Beaconsfield (Mr. Grieve) eloquently set out why, if there were a burden, it would be strictly limited.

Mr. Nigel Evans (Ribble Valley) (Con): The hon. Gentleman will be aware that the Government are planning to get rid of some of those forms, or at least to reduce the burden, by implementing the Flanagan report. Will his party support the implementation of that report?

Tom Brake: I do not think that it would be appropriate for me to respond to that point. Clearly, no Member will say that they are in favour of unnecessarily burdensome form-filling. That is my view, and I am sure that it is the view of every other Member in the Chamber.

The hon. Member for Hendon (Mr. Dismore) eloquently set out the reasons why the JCHR has come up with a much more detailed series of amendments on the appropriate judicial oversight as well as the right to legal representation. The Minister has highlighted a point in the JCHR proposals that might require some refinement. Will requiring the presence of a defendant's lawyer mean that there will be a loophole that people can use? That might need some refinement.

We are glad that the Government have taken on board so many of the points raised in Committee and brought forward amendments that introduce proper safeguards for post-charge questioning. We accept that that is not a cure-all, but it is important that that type of questioning does not become a form of intimidation—especially in terrorist investigations, where the evidence thresholds are lower.

Finally, we support the cross-party consensus on this matter. Such a consensus does not always arise, but there is a strict order of preference among the amendments on which we might vote today. If the hon. Member for Hendon is inclined to press his proposals to a vote, we would be keen to support them, but we would be equally happy to support the Conservative amendments. If we are left with only the Government amendments, we accept that they make a contribution and we would be comfortable about supporting them as well.

Mr. Hogg: I want to make three points. First, my amendment No. 46 proposes that post-charge questioning should not come into effect until the codes of practice have been approved under the affirmative procedure of this House. However, the Government's new clause seems to meet that objective, and I welcome it.

My second point has to do with judicial supervision, which I believe should be conducted by the Crown court rather than by the justices. To that extent, I very much support new clause 4 and the amendments tabled by my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve). It is preferable that a Crown court judge — who in any event is likely to be seized with the case — should have the supervisory role, rather than the justices. In part, that reflects my unease about the justices' courts, which are not always as fully aware of the relevant facts as perhaps they should be.

My final point relates to the law of unintended consequences. It is obviously right that we should lay down the statutory framework within which the judicial approval for post-charge questioning should be sought, but I am slightly troubled that we may have produced proposals that would prevent post-charge questioning when that is what alleged offenders want. For example, they may want to have their previous statements clarified, or they may have found material that supports what was said in previous interviews. In such circumstances, they may want to be interviewed again, post-charge.

I am not absolutely clear in my own mind as to whether what we are discussing now would preclude that happening, but it might, and the Government should reflect on that possibility. I recognise that we cannot resolve the problem today but, if my anxiety turns out to be well placed, the other place is the proper place to address it.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I agree with what the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) has said. The point is moot, and I certainly cannot offer an answer to the important question that he has posed. However, it is on the record now and I hope that someone will answer it later.

Chris Bryant: I thank the hon. Gentleman for allowing me to intervene on the point that he has just made in response to the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg). New clause 4 would mean that post-charge questioning could relate only to new evidence: if it were accepted, it would preclude the possibility that people could be interviewed again.

Mr. Llwyd: Not necessarily: the right hon. and learned Member for Sleaford and North Hykeham said that some new evidence might be thrown up that caused the defendant or the accused to reconsider what he or she had said earlier. That does not preclude the possibility that people could be re-interviewed. In any event, it seems that none of us in the Chamber is able to offer an answer on that point, but I accept what the hon. Gentleman says: there is an important debate to be had.

On new clauses 18 and 19, the Minister said in Committee that he would consider the issues, and to be fair to him, he has certainly done that. Interestingly, he also said:

> "I do not entirely dismiss judicial oversight and all the detail. I simply ask the Committee to lay those matters to one side for now. Let us go away, have a further look." *[Official Report, Counter-Terrorism Public Bill Committee*, 8 May 2008, c. 338.]

To be fair, that is what he did with many points to do with the Bill, but I ask him now to look at new clause 4, which has the authority of the Joint Committee on Human Rights behind it. The new clause is very useful, and the Government might well consider accepting it in due course. I do not disagree with the Conservative amendment either; I am really hedging my bets on this one. With the bets that I have made, I hope to get a horse in the top four.

Of the myriad issues that we started off with in Committee, the only two left are the issue of judicial oversight and the question of the length of post-charge questioning. We are so near agreement that it would be very good if we were able to reach it. The Minister said in Committee that we could leave some matters to the trial judge, because he would decide at the beginning of a trial whether the questioning was oppressive, and so on. That is one way of doing things, but it would be preferable to provide for limited judicial oversight. The judge concerned would not have to be from the High Court; a circuit judge would be fine, I am sure. People apply for public interest immunity certificates to gain the right not to have certain evidence disclosed in an ordinary criminal trial. Those certificates are two a penny. They are granted all the time, and they do not take very much time from the judge's list. It typically takes perhaps half an hour before the judge resumes his list. That would be an important, valuable safeguard. To be fair to the Minister, he has come a long way on the issue.

Mr. Heath: I share the hon. Gentleman's general views, but although new clause 4 raises all the right issues, it is not drafted terribly well. We would like the Minister to agree to the principles of new clause 4 and to come back with an amendment of his own in the other place, or to invite those in the other place to come up with such an amendment for him.

Mr. Llwyd: I will not repeat that verbatim, but the Minister heard what was said, and I am sure that he will make a note of it, mentally or manually. Such an amendment would be fitting, a useful addition to the part of the Bill that we are discussing, and an important safeguard. As someone with personal experience of criminal matters — *[Interruption.]* On the professional side, I hasten to add. I thank the Minister for reminding me of that. That was almost a confession on the Floor of the House. I honestly do not think that limited judicial oversight will add a time burden, or any other burden.

[Mr. Llwyd]

The issue of post-charge questioning is not as time-crucial as issues relating to other parts of the Bill. I hope that the Minister can consider including the purport of new clause 4, if not its full wording, in the Bill in due course. I finish by saying, in an emollient fashion, that the Government have come a long way on the part of the Bill that we are discussing. There are just a few further feet to travel.

Mr. Gummer: None of us would like to be churlish about how far the Minister has moved on the issue. I agree with the previous speaker that the Minister has done particularly well in reacting to many issues that were raised in Committee proceedings, which I have read but did not attend. I emphasise that even though the significant change that we are discussing has all-party support, it is important that it be implemented with due consideration for its seriousness. The Government have come under a good deal of pressure for seemingly intending to take draconian measures when they are not necessary. The change is a valuable example of taking a sensible measure in a non-draconian way, which gets support of the kind that we need in order to ensure that the special arrangements that we make for our counter-terrorism activities are accepted as suitable within a democratic society. Most of us ought to be concerned to avoid alienating people by going against our own philosophy.

5.30 pm

The concept of going to a judge in the Crown court to get his agreement for post-charge questioning is not just a technicality. It would ensure that everyone realised that that was a step to be taken for a reason, not a step to be taken as part of the normal activity. That is all we are asking, and it has an importance outside as well as to the people who are charged, for it says once again that we are fiercely supportive of a judicial system that is designed to enhance as well as to protect our reputation as a free society. That is why the provision must be introduced. That is why I posed the question earlier, and why I would still like the Minister to tell us how often he envisages the procedure being invoked, as it emphasises the way in which we regard the matter.

Mr. Hogg: Reading the text of the new clauses and the proposed amendments, it is difficult to see why they should be confined to terrorist offences. Looking at the generality of the language, surely it would seem that they could be applied to all serious offences, under a fairly wide definition.

Mr. Gummer: The more we are able to consider these matters in the generality of the way the criminal justice system works, and the more we are able to see that changes can be made which do not damage the right of the individual in face of the full majesty of the law, the better. Special anti-terrorism arrangements inherently cause most of us concern. I agree with my right hon. and learned Friend, and the Minister might like to consider that.

The key thing for today is to ensure judicial oversight, not just because we think it is a good thing, not just because we think it will stop such measures becoming the generality, not just because we do not want people to be lax in what they do before they charge, but because we need to give constant succour to those outside who want to see that our changes in respect of the terrorist threat are firmly grounded in our attitude towards the freedom of the individual and the right of people to be treated as innocent until they are found guilty.

Mr. McNulty: The debate has been useful. All three models have virtue. We are talking partly about philosophy and partly about the mechanics of implementation. I agree with the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) and others. I have always tried to approach these matters from what is normal in the generality of the criminal justice system that relates to the point about introducing post-charge questioning more broadly and replicating that normality as far as we can in the exceptional circumstances of terrorism law. Those are both reasonable positions to start from. Apart from some technical flaws in the amendments proposed, I have little to criticise in their broad philosophy, as I indicated at the start.

It is right and proper, however, that I offer Government amendment No. 57. I am grateful for the comments on new clauses 18 and 19; I pocketed those and moved on. It is not for me to invite the other place to do anything other than agree the Government's position. I accept that although virtuous, extremely well thought through and well informed, ours is not the only model that would achieve the efficient use of post-charge questioning. It is not because I am weary at having moved so often on so many fronts in terms of our deliberations, but on this matter I have moved as far as I choose to for now, notwithstanding the virtues of some other proposals. For example, there is the small point that I do not want a defendant to be in a position to veto post-charge questioning because their lawyer is not present. That is simply a matter of wording. I could be even more picky and say that having travelled so far in terms of new clauses 18 and 19, I would rather that the video had sound, which is not offered in new clause 4, notwithstanding what I said earlier about the disapplication for Scotland.

I am not being pernickety and ungrateful for all the advice to move a lot further than I have done already, but the model that I offer through amendment No. 57, together with new clauses 18 and 19, together with the draft amendments to the PACE code, hangs together far more coherently than the mix and match that will occur if new clauses 18 and 19 are accepted, amendment No. 57 rejected and we go for new clause 4 or the amendments tabled by the hon. and learned Member for Beaconsfield (Mr. Grieve).

Mr. Hogg: The Minister may not want to deal with this now, but before he sits down will he deal with the matter of the defendant seeking the questioning? It would be helpful to have assurances on that point.

Mr. McNulty: Just let me finish this point. I am not being unjustly or over-critical about new clause 4 or the amendments tabled by the hon. and learned Gentleman, but if they were passed in place of what I have offered, they might or might not sit with the changes made to the PACE code, and they might or might not sit with new clauses 18 and 19. I would ask the House to take

my miserable offerings, albeit with some movement forward, because they are cohesive with the other two; then there might be a chance later to tidy up all the movement that I have made.

Mr. Grieve: The Minister is very tempting, but I am minded to press new clause 4, partly because I do not wish on amendment No. 16 to find myself having to vote against Government amendment No. 57 and all the other Government amendments that will be taken at half-past 6, because that seems quite ridiculous, but also because if new clause 4 were to be passed the Government would not have too much difficulty tidying the matter up in another place.

Mr. McNulty: I have told the hon. and learned Gentleman that I am rather weary as a result of all the movement that I have already made in that regard.

Chris Bryant: My right hon. Friend sounds very much like a man who is about to move a bit further. Surely if new clause 4 were to be carried as well as new clauses 18 and 19, they would be contradictory. The substantial point is whether a magistrate or a judge should decide. What practical differences would there be in the process?

Mr. McNulty: This opens up other areas. As I said earlier, not just for the process but for the Crown court judge concerned, it could be over-burdensome and too time-consuming for something that should be relatively straightforward. We quite deliberately say—this was another element on my road of discovery—"justice of the peace" rather than "magistrate", because apparently a justice of the peace is a magistrate available 24 hours a day rather than otherwise.

My hon. Friend has made a fair point in the sense that, for the sake of cohesion, the draft changes to the PACE code, new clauses 18 and 19 and amendment No. 57 hang together. Those measures have been offered as one package, and they should be passed by this House in those terms. If we were to go further in the direction of new clause 4 towards a different model of judicial oversight, rather than the magistracy model, it would be a matter for the other place.

Mr. Grieve: I have some good news for the Minister. I will not press new clause 4, because it would prevent our debating control orders before 6.30 pm., but I am certain that the other place will return to the issue. In our view, judicial oversight is necessary. We have some arcane procedures to deal with in this House this afternoon, and the last thing I want is an unnecessary vote that takes up more of the House's time and prevents our debating other important business.

Mr. McNulty: On the point raised by the right hon. and learned Member for Sleaford and North Hykeham, as the Bill is drafted a constable is the initiator of the request for post-charge questioning. I think—I will double-check the point—that if the defendant says they want to be questioned further on some reasonable points, it should not be unreasonably dealt with by the constable that the request came from the defendant rather than otherwise. I think that goes some way to addressing the point, but there is clearly a concern about how the request is recorded, lodged and responded to. The point is fair, and it should be responded to in detail in another place.

My hon. Friend the Member for Hendon (Mr. Dismore) has said that suspects on bail could be re-arrested for post-charge questioning. Actually, that cannot happen, because there is no power to detain in that regard. The provisions apply only to post-charge questioning, which applies only to those already in detention.

This has been a job well done all round, and we have made a degree of progress, although I do not doubt that the matter will be revisited in the other place.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 19

ISSUE AND REVISION OF CODE OF PRACTICE

'(1) This section applies to the code of practice under section [Recording of interviews] (recording of interviews).

(2) The Secretary of State must

(a) publish a draft of the proposed code, and

(b) consider any representations made about the draft,

and may modify the draft in the light of the representations made.

(3) The Secretary of State must lay a draft of the code before Parliament.

(4) After laying the draft code before Parliament the Secretary of State may bring it into operation by order.

(5) The order is subject to affirmative resolution procedure.

(6) The Secretary of State may revise a code and issue the revised code, and subsections (2) to (5) apply to a revised code as they apply to an original code.

(7) Failure to observe a provision of a code does not of itself render a constable liable to criminal or civil proceedings.

(8) A code

(a) is admissible in evidence in criminal and civil proceedings, and

(b) shall be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.' *[Mr. McNulty.]*

Brought up, read the First and Second time, and added to the Bill.

Mr. Deputy Speaker: Order. Does the hon. Member for Hendon (Mr. Dismore) want to press new clause 4 to a Division?

Mr. Dismore: No. Like the hon. and learned Member for Beaconsfield (Mr. Grieve), I want to get on to the next debate, although I support new clause 4.

New Clause 5

CONTROL ORDERS: PRE-CONDITIONS

'After sub-paragraph (b) in section 2(1) of the Prevention of Terrorism Act 2005 there is inserted

"; and (c) unless section 3(1)(b) below applies, the DPP has certified that there is no reasonable prospect of successfully prosecuting the subject of the order for a terrorism-related offence."'. *[Mr. Dismore.]*

Brought up, and read the First time.

Mr. Dismore: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

New clause 6—*Control orders: ongoing review of possibility of prosecution*—

'After subsection (6) of section 8 of the Prevention of Terrorism Act 2005 there is inserted—

"(6A) The Secretary of State shall, throughout the period during which the control order has effect—

(a) ensure that the question of whether there is a reasonable prospect of successfully prosecuting the subject of the order for a terrorism-related offence is kept under review at least every three months;

(b) consult the police prior to such review; and

(c) share with the police such information as is available to him which is relevant to the prospects of a successful prosecution."'.

New clause 7—*Control orders: reasons for decisions on prospects of prosecution*—

'After subsection (2) of section 8 of the Prevention of Terrorism Act 2005 there is inserted—

"(2A) If the chief officer advises the Secretary of State that there is no realistic prospect of prosecution, he shall give reasons for his view.

(2B) The chief officer's reasons shall be disclosed to the controlled person to the extent that such disclosure would not be contrary to the public interest."'.

New clause 8—*Control orders: cumulative effect of restrictions relevant to determination about deprivation*—

'After subsection (10) of section 3 of the Prevention of Terrorism Act 2005 there is inserted—

"(10A) In determining whether the effect of a non-derogating control order is to deprive a person of their liberty, the factors to which the court shall have regard must include,

(a) the nature, duration, effects and manner of implementation of the restrictions, and

(b) the cumulative effect of the obligations.

(10B) The combination of obligations may amount to a deprivation of liberty even if no individual obligation amounts to such a deprivation."'.

New clause 9—*Control orders: maximum limit on daily curfews*—

'After subsection (5) of section 1 of the Prevention of Terrorism Act 2005 there is inserted—

"(5A) The duration of any prohibition or restriction on the controlled person's movements shall not exceed 12 hours in any 24 hour period."'.

New clause 10—*Control orders: right to a fair hearing*—

'(1) At the end of subsection (13) of section 3 of the Prevention of Terrorism Act 2005 there is inserted—

"except where to do so would be incompatible with the right of the controlled person to a fair hearing".

(2) At the end of paragraph 4(2)(a) of the Schedule to the Prevention of Terrorism Act 2005 there is inserted—

"except where to do so would be incompatible with the right of the controlled person to a fair hearing".

(3) At the end of paragraph 4(3)(d) of the Schedule to the Prevention of Terrorism Act 2005 there is inserted—

"except where to do so would be incompatible with the right of the controlled person to a fair hearing".

(4) After paragraph 4(5) in the Schedule to the Prevention of Terrorism Act 2005 there is inserted—

"(6) Nothing in this paragraph, or in rules of court made under it, is to be read as requiring the court to act in a manner inconsistent with the right to a fair hearing in Article 6 of the European Convention on Human Rights."'.

New clause 11—*Control orders: obligation to give reasons*—

'(1) After subsection (4) of section 2 of the Prevention of Terrorism Act 2005 there is inserted—

"(4A) A non-derogating control order must contain as full as possible an explanation of why the Secretary of State considers that the grounds in section 2(1) above are made out."'.

New clause 12—*Control orders: obligation to provide gist of closed material*—

'(1) At the end of paragraph 4(3)(e) of the Schedule to the Prevention of Terrorism Act 2005 there is inserted—

"and must require the Secretary of State to provide a summary of any material on which he intends to rely and on which fairness requires the controlled person to have an opportunity to comment."'.

New clause 13—*Control orders: communications between special advocate and controlled person*—

'After sub-paragraph 7(5) in the Schedule to the Prevention of Terrorism Act 2005 there is inserted—

"(5A) Rules of court must secure that persons appointed under this paragraph may apply to a High Court judge, without notice to the Secretary of State, for permission to communicate with the controlled person after the service of closed material."'.

New clause 14—*Control orders: proportionality of procedural protection*—

'After subsection 3(11) of the Prevention of Terrorism Act 2005 there is inserted—

"(11A) In a hearing to determine whether the Secretary of State's decision is flawed, the controlled person is entitled to such measure of procedural protection as is commensurate with the gravity of the potential consequences of the order for the controlled person."'.

New clause 15—*Control orders: power of special advocates to call expert witnesses*—

'After paragraph 4(3)(e) of the Schedule to the Prevention of Terrorism Act 2005 there is inserted—

"(ea) that, where permission is given by the relevant court not to disclose material, persons appointed under paragraph 7 may call witnesses to rebut the closed material."'.

New clause 16—*Control orders: maximum duration*—

'After section 3 of the Prevention of Terrorism Act 2005 there is inserted—

"3A Duration of non-derogating control orders

A non-derogating control order ceases to have effect at the end of the period of two years from the date on which it was made, unless there are exceptional circumstances justifying its renewal."'.

Amendment No. 11, in clause 74, page 54, line 8, leave out subsection (2).

Amendment No. 12, line 40 , leave out subsection (4).

Mr. Dismore: This group of new clauses and amendments relates to control orders. When we debated the renewal order in February, the control order regime was subject to considerable criticism. I agree with the Government that the control order regime is the second best option after prosecution. If the control order regime is to stay, we must review the safeguards and ensure that it is compatible with human rights law. We are discussing restrictions on liberty without a criminal charge or trial.

New clauses 5 to 7 refer to the importance of prosecution; new clause 8 relates to the nature of control orders themselves; new clauses 10 to 15 concern due process; and new clause 16 relates to an exit strategy. In the case of E, the House of Lords said that there was an implicit duty on the Government to keep the possibility of prosecution under review. Baroness Hale said that control orders were second best and that the public were far better protected, because even while criminal proceedings are pending, the controlled person is subject to serious restrictions on the basis of mere suspicion.

I welcome the introduction of the control order review group's quarterly meetings to consider whether prosecution can take place, but not one controllee has ever been prosecuted. New clause 5 would put an extra check on whether prosecution was possible by requiring the Director of Public Prosecutions to certify that there was no reasonable prospect of prosecution before an order could be made. We know that the DPP is quite important in such matters because of the debate that we are likely to have tomorrow.

5.45 pm

New clause 6 would make statutory the duty to keep matters under review. It is current practice; the Government agreed recently with the control order review group. In the case of Secretary of State for the Home Department *v.* E, they argued that they needed to have only periodic inquiries into whether the matter should go forward, so we need to ensure that the provision is included in the legislation. It is also important to ensure that the police see all the material available to the Home Secretary. They may well be able to turn some of what is currently inadmissible into admissible evidence; they have had some success in doing so in other terrorist cases. Lord Carlile, in his third report on control orders, made the point that the continuing investigation of current controllees could provide evidence for prosecution and conviction, so the new clause would give effect to his recommendation, too.

New clause 7 would provide for more transparency in the process and, again, would give effect to a recommendation from Lord Carlile in his third report, when he said that more detail about the reasons why there were no reasonable prospects of prosecution should be given by the chief of police to the Home Secretary. The new clause would also give effect to recommendations from Lord Carlile's first report in 2006, when he said that the reasons should be disclosed to the controllee unless that would be contrary to the public interest. The new clauses would give effect to his recommendations in those two reports.

New clauses 8 and 9 are about the nature of the control order and whether it amounts to a deprivation of liberty—against article 5 of the European convention on human rights. If it does, it should become a derogating control order. That would happen only if the courts authorised it. Whether the order amounts to a deprivation of liberty is a question of not just the length of the control order, in terms of the number of hours per day, but the conditions imposed in combination. In the case of Guzzardi *v.* Italy, the European Court of Human Rights found that when combined with other restrictions, nine hours maximum amounted to a deprivation of liberty. We must have a more nuanced approach than simply stipulating the number of hours and a curfew.

Lord Bingham in the case of the Secretary of State for the Home Department *v.* JJ said that one should take account of the individual's whole situation, and that it was inappropriate to draw a sharp distinction between a period of confinement that would amount to a deprivation of liberty and one that would not. New clause 8 would make that point in the Bill, looking at the overall factors that must be taken into account.

The period of daily confinement is, of course, important in the overall assessment, and new clause 9 therefore seeks to limit the daily length to a maximum of 12 hours. There is no guarantee that it would be compliant with article 5. After previous court cases, the Government reduced some periods to 12 hours. In fact, there is little evidence of any significant damage to public protection in reducing control orders to 12 hours. If there were any such evidence, the Government should and would have produced it by now.

The Government extrapolate that 16 hours is permissible from the judgment of Lord Brown of Eaton-under-Heywood in the JJ case. That is a rather strange extrapolation, because he actually said:

"It may be, indeed, that 16 hours itself is too long",

but that he wanted to leave it to the Strasbourg Court to decide. That is hardly a ringing endorsement of the Government's view that 16 hours is permissible. We have no clear judicial guidance and Parliament therefore ought to form its own view, which my new clause would enable it to do.

The most important issue that we must face is the lack of due process. New clauses 10 and 15 are based on the recommendations that the Joint Committee on Human Rights put forward in our 10th counter-terrorism report in May. They are rooted in the evidence that we received from the special advocates who deal with such cases. I hope that my right hon. Friend the Minister will meet them, as he has promised to do, to discuss their concerns further.

Once a controllee enters the twilight zone of dubious legality, he faces restrictions on where he can go and when, who he can meet, his use of his phone and computer and his transfer of money and goods. He also faces requirements to report to the police, to allow the police into his home without a further warrant and many other restrictions. The controllee enters a Kafkaesque world in which, like those unfortunates who were brought before Henry VIII's Star Chamber, he is not told of the case against him, is not allowed to discuss his case with his special advocate, sees the case against him decided on the ground of mere reasonable suspicion and, at the end of the process, is not given the reasons why the order against him was made. On that basis, people have been subjected to controls for three years so far, and remain so indefinitely—in some cases on top of three years' previous detention without trial in Belmarsh. We know that the security services can make mistakes, not only in the de Menezes case but in the Lotfi Raissi case, which has had such a serious impact on an innocent man for the rest of his life. It is essential that safeguards are brought into play so as to have at least some element of due process in the control order regime if they are to continue to be used to protect the public.

The Government say that the House of Lords approved their procedures in the MB case, but some of our criticisms were upheld—for example, of the entirely

undisclosed nature of the prosecution case. The Government have ignored the evidence given to us by the special advocates, and the guidance on MB is somewhat confusing. Indeed, another case is going to the Court of Appeal next month. This area of the law desperately needs clarification. I accept that some of the points that we have put forward are not required in relation to MB, but they are needed to achieve a modicum of fairness. New clause 10 would avoid the need for mental gymnastics by ensuring that the controllee would be entitled to a fair hearing. There is a lack of certainty in the Bill that needs correction.

New clause 11 would require an explanation to be given to the controllee of why the grounds for the control order were made out. New clause 12 would require the controllee at least to be aware of a summary of the material—the gist—which fairness requires him to be able to comment on. New clause 13 would allow the special advocate to apply to the court for authority to discuss aspects of the case with the controllee. That would be a safeguard from the security services' point of view. It would ensure that there was an independent assessment so that the special advocate did not disclose matters that he should not disclose, but at the same time provide a degree of fairness. New clause 14 would provide a procedural protection for what was happening on a scale concomitant with the seriousness of the conditions to be imposed. New clause 15 would allow a rebuttal of expert evidence to be brought. Together, these new clauses, which are based on recommendations from the Joint Committee on Human Rights and rooted in the evidence that we received from the special advocates, would provide a greater degree of legal certainty and procedural fairness, which are essential if the control order regime is to continue into the future.

We should also consider the duration of control orders. Seven of the 15 people involved have been under control orders for more than two years, and two for more than three years, on top of three years' detention in Belmarsh that was later found to be unlawful. Not one of them has ever been prosecuted. Nine controllees were serving deportation notices and six have been deported. One control order has been revoked and two were not renewed. Lord Carlile drew our attention to the fact that after that length of time such people are of somewhat questionable utility to terrorist groups, which prefer to operate with "clean skins", not those who are so clearly compromised. The restrictions on freedom may not be Guantanamo Bay conditions, but they certainly provide a gilded cage in which people are confined indefinitely, and we therefore need to see an exit strategy. My new clause suggests a sunset clause of a maximum of two years on a control order unless there are exceptional circumstances. There is no clear human rights argument as to what should be the maximum length of time, but that chimes with Lord Carlile's recommendation of a maximum two-year presumption unless there is a genuinely exceptional need. It is a question for Parliament to debate and decide.

Control orders are definitely a second best option to prosecution. We have to ensure that they are not unduly oppressive, that they are subject to due process and procedural fairness, and that there is ultimately an end to them in sight.

Mr. Grieve: The hon. Member for Hendon (Mr. Dismore) and his Committee have done the House a good service in coming up with these new clauses and amendments and an opportunity to debate control orders. Many in this House will remember our original debate on the introduction orders in 2005. It is rather engraved on my heart as a debate that went on for some 36 continuous hours of ping-pong between the other place and this House. The curiosity of that debate was that although considerable anxiety had been expressed about the introduction of control orders, the issue on which consensus eventually disappeared was whether we should have a sunset clause in the measure to ensure by bringing it to an end within a reasonable period that the House would have to revisit it and think afresh.

I sometimes think that the opinion of those of us who wanted a sunset clause has been borne out by events. In fairness to the Government, I can fully understand why they have been coming back to the House year by year asking for the renewal of the power. I suspect that no one in this House likes control orders; certainly, none of us should. I think that I used the word "repellent" to describe the concept when we debated them in 2005, and I have seen nothing since to make me change my mind. The principle of enforcing restrictions on individuals and their liberties without the ordinary trial process is something that we cannot be happy about, although I have always accepted that there may be a necessity in view of the threat that we face. Being realistic about it, I can see that the Government are in a position to continue making a powerful case that renewal may be needed for the foreseeable future. All the more reason, therefore, why we should take the opportunity provided by the Bill to revisit what the architecture of control orders involves.

The Committee chaired by the hon. Member for Hendon has made an extremely important contribution to this debate, and the amendments that he has tabled are extremely valuable, even if each one probably needs to be considered separately. On new clause 5, the principle that there should be a requirement for a certification process that prosecution is not possible is one of the important safeguards that should be introduced into the control orders system. I do not doubt the Government's good faith, and I have no reason to doubt the good faith of the Crown Prosecution Service, in respect of the fact that every effort must be made to ensure that individuals who are subject to control orders are prosecuted wherever possible. I leave to one side the debates that we have had about intercept evidence. I do not want to return to that subject and get bogged down in it, although I believe passionately that it might be of some assistance, if not a panacea, to have intercept evidence admitted. Nevertheless, it would be a valuable contribution to have a situation whereby, irrespective of whether we have intercept evidence, the Director of Public Prosecutions could provide such a certification process on the basis of the available evidence that is admissible in court. I very much hope that the Minister might feel able to respond positively to new clause 5, because I find it difficult to see why any rational individual should object to it.

Many of the hon. Gentleman's other amendments are very sensible. I am bound to say that I am sympathetic to his view that there should be a finite period for control orders that do not involve a derogation. It might be premature for the Government to accept it at this stage, but I think that it is time for us to look carefully at

the relationship between the special advocate and the person who is to be made subject to a control order to see whether we can make the system more flexible to enable better representation to take place.

Perhaps more controversially, the hon. Gentleman raises in new clause 9 the possibility of restricting to a period of 12 hours control orders for which derogation is not required. We are certainly in a grey area. We seem to have some confidence that 14 hours may be acceptable, but that 16 hours may, in some cases, not be acceptable. Having greater certainty might be valuable, but it is a matter on which I would want to hear from the Minister what he thinks would be appropriate.

I can only repeat that I am grateful to the hon. Member for Hendon for having introduced the new clauses, but before I allow time for further debate, and mindful of the fact that we have only half an hour to conclude the debate on this group, I repeat my view that new clause 5 merits the Government's acceptance, even if they cannot accept anything else. Such acceptance would be a symbol of their good intent, and I do not see how it would interfere with the current system. If they are prepared to make some concession in the proposed direction, they will be in a much better position, when we come to renewing control orders next year, to say that they have made some progress in this matter.

6 pm

If the Minister were minded to look sympathetically at new clause 5, and perhaps assure us that even if he does not accept the other new clauses, the process of debate in the other place might prove productive in seeing whether we can adopt some of the suggestions raised by the hon. Member for Hendon and his Committee, the House would have made good progress this afternoon. I would then be in a position to say even nicer things to the Minister at the end of the debate on this group than I did at the beginning. New clause 5 is important, and I hope that the House will have an opportunity to express its view on it.

Tom Brake: The Liberal Democrats oppose control orders. However, when proposals are made to ameliorate them, they are worth looking at, and the hon. Member for Hendon (Mr. Dismore) has introduced on behalf of his Committee a raft of sensible proposals that would go a long way towards improving the orders. Unfortunately, the way in which they were rushed through meant that they are not watertight; indeed, the former Home Secretary described them as full of holes.

The hon. Member for Hendon, through new clauses 5 to 7, is encouraging prosecution as an alternative to control orders, and we would all support that. In new clauses 8 and 9, he seeks to improve conditions for people on control orders. I do not know whether other hon. Members have seen the book by Gareth Peirce, in which she describes in some detail the impact that control orders have on people:

"The electronic tag they had to wear, which registered every entry and exit from the house, was only one element of the family's altered existence; a voice recognition system was supposed to confirm the detainee's presence at home during curfew, but the machines, of US manufacture, often failed to recognise the accents of Arabic speakers, with the result that uniformed police officers would enter the house in significant numbers at all times of day and night. No visitor would come near their homes because to enter required first to be vetted by the Home Office. Children could do no schoolwork that involved the internet, the use of which was forbidden. Families had endlessly to involve lawyers in the most trivial matters: to obtain permission to go into the garden; to attend a parent-teacher meeting; to arrange for a plumber to enter the house."

We should not underestimate the significant impact that control orders have on the people to whom they are applied. It is therefore entirely right that the hon. Member for Hendon and his Committee should seek ways to improve the conditions of people subject to those orders.

The hon. Gentleman's new clauses 10 to 15 would tighten the rules on hearings, and new clause 16 would restrict control orders to a maximum length of two years, except in extraordinary circumstances. We believe that the system is unjust and that the proposals made by the hon. Gentleman and his Committee are sound. If there is a vote on this matter, it is our intention to support his proposals.

Mark Durkan (Foyle) (SDLP): As others have said, control orders are a difficult concept. Many of us have experience of control orders in respect of other legislation and know how they have worked and how their effects have been felt. Although the hon. Member for Hendon (Mr. Dismore) and his colleagues have not been able to challenge fundamentally the use of control orders as provided for in the 2005 legislation, their new clauses propose that preconditions and conditions should be attached to the use and deployment of such orders, which is to be commended to the House.

The preconditions and conditions that would be attached to control orders are entirely reasonable. If the Government are telling us in respect of other measures in the Bill that the opinions, feelings and findings of the Director of Public Prosecutions should be relevant and should motivate moves by the Secretary of State and Parliament, surely in the case of control orders, we can hear from the DPP about the prospects of a prosecution. That would not become a one-off, jeopardy judgment, because the other proposals provide that it could be subject to further review, on a timely basis, every quarter, while other aspects of the control order would also be subject to review.

It would be entirely unreasonable, given all we have said about control orders being repellent to some of us, and given what the Government say about such orders being a matter of last resort, to refuse the proposals of the hon. Member for Hendon and others. I know that time is tight because of the programme motion, so we cannot go through them all, but I endorse what was said by the hon. and learned Member for Beaconsfield (Mr. Grieve)—the Government could signal a degree of openness and consideration by agreeing to new clause 5. That would allow further consideration of the consequential and related issues as the Bill progresses.

Mr. Gummer: I am not opposed to control orders, but I see them very much as a last resort. I return to the continuous concern that whatever we do must be seen in the context of accepting last resort measures only when they are necessary. It is for that reason that I support the request that the Minister should agree to new clause 5. We need to remove from the penumbra of control orders any aspects that can be reasonably seen, as the hon. Member for Foyle (Mark Durkan) said, to be redolent of circumstances in which powers were used in a manner about which we feel sorry in retrospect; one

[Mr. Gummer]

aspect is a constant understanding that there is no alternative, albeit the alternative of a trial and prosecution. That is one of the things we have to do to earn the right to have control orders in a free society.

The Minister can help the Government to recover their necessary reputation on such issues, which perhaps has been lost because of their determination to push in what many of us feel to be an illiberal direction on a number of other issues, some of which we shall come to later tomorrow. My hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) is right to suggest that it would be much more elegant for the Government to accept the changes than to allow them to be put to a vote. I use the word "elegant", but I mean that it would be useful for the Government if they were seen to understand what some of us have felt it necessary to harry them about—their attitude in the matters that we feel unhappy about. They could show themselves able to reinforce the consensus, even among those of us who accept the need for control orders, that such orders should be subject to regular review. That could begin with the suggestion that it is necessary to ensure that there no alternative. That is, after all, not much to ask in a free society.

Mr. Llwyd: I, too, appreciate the work done by the hon. Member for Hendon (Mr. Dismore) and his Committee. Like the hon. and learned Member for Beaconsfield (Mr. Grieve), I believe that it would send out a good sign if the Government were prepared to consider new clause 5.

Personally, I am adamantly opposed to control orders, but they are a reality, and we are told that they serve a purpose. The proposals in the group would go some way towards ameliorating some of the concerns out there about the use of control orders. Requiring that

"the DPP has certified that there is no reasonable prospect of"

a successful prosecution is not asking a great deal in the circumstances. If a person has been put on an 18-month or two-year control order, with stringent conditions attached thereto, that requirement is the very least that we could call for. New clauses 6 and 7 propose the periodic review of whether there is a reasonable prospect of prosecution, which is also utterly reasonable, bearing in mind the huge limitations on the liberty of the individuals who are the subject of such orders.

The proposals are all well meant and would improve the control order mechanism. They would not render the mechanism unworkable or in any way less effective, but they would—if I can use this word—humanise it and send out a positive signal to the people out there who are desperately concerned about the purport of such orders. In so doing, the proposals would address quite a few of the human rights questions on this area of law that concern us all.

With those few words, I fully endorse the ideas behind the new clauses and amendments in the group. I urge the Minister, as others have, to consider accepting new clause 5 at the very least.

Mr. McNulty: I, too, welcome the work of the JCHR on control orders. Indeed, dwelling on control orders has become one of its fixations—and, given their unique and extraordinary nature, quite rightly so for a Joint Committee on Human Rights. I therefore do not deprecate its work at all. However, the Government would look to the highest court in the land, the House of Lords, for our legal reference point, rather than the JCHR, however munificent—or whatever the word is—it is.

To tackle things backwards, I do not accept anything in new clauses 10 to 15 that challenges directly the conclusions of the most recent House of Lords judgment on the process and whether a fair trial, or otherwise, has been accorded under article 6. Nor do I accept the passing reference that my hon. Friend the Member for Hendon (Mr. Dismore) made to the dubious legality of control orders. We might not like control orders; they might sit in a twilight zone and they might be deeply unsatisfactory compared with persecution—I do apologise; I meant prosecution—which of course they are, but it is simply not good enough to say, "We're against them."

On one level, we are all against control orders. I start from the premise that the right hon. Member for Suffolk, Coastal (Mr. Gummer) set out of "as much normality as possible". In fact, I got into trouble last September for saying that the strongest lesson that we should have learned post-7/7 was that the rules of the game had not changed, and not the opposite. That was indicated by the Government of whom I was part at the time.

I will therefore resist the blandishments of my hon. Friend the Member for Hendon on new clauses 10 to 15, however well intentioned the work of the Joint Committee was. We think that they are unnecessary. Given the choice between a report, however well intended, by the JCHR and a judgment by the House of Lords, we find ourselves, as we always are, of course, on the side of the Law Lords.

6.15 pm

There is much to commend in the broad thrust of my hon. Friend's new clauses 5, 6 and 7 on the renewal of control orders, as, from memory, I think I indicated last time. However, the formalisation that he seeks simply goes too far. There are reasons why I do not think that it would be appropriate always to go for non-urgent control order certification by the DPP, as proposed by new clause 5. My hon. Friend will know that the Lords scrutinised the matter at length. They concluded that no changes to section 8 of the Prevention of Terrorism Act 2005 were required. The Lords considered that there were "strong practical reasons" for the current approach and that the changes would have the

"potential to emasculate what is clearly intended to be an effective procedure".

As I have already said, consultation arrangements are built into the legislation. As I think I said at the last annual review, should we make it clear that the processes for reviewing the potential for prosecution are all the sharper and clearer? Yes, we should. Should we look seriously into—and prove that we have looked seriously into—exit strategies for particular individuals? Yes, we should. Indeed, we have set out a range of ways in which we are seeking to do that. However, there are both principled and practical reasons for me to resist the substance of new clause 5, if not, in part, the spirit.

First, new clause 5 could leave a public protection gap. A control order may be necessary to protect the public from the risk of terrorism posed by an individual, even though prosecution of that individual is possible.

For example, an individual may be on bail, pending trial for a relatively minor offence and so the risk posed by the individual is much greater than the bail conditions that a judge would lawfully be able to impose on the individual, meaning that a control order is imposed in the interim to manage that risk.

Secondly, new clause 5 could damage other investigations or prosecutions, or otherwise damage the public interest. My hon. Friend will be more than aware that, in addition to the purely evidential threshold, the Crown Prosecution Service is obliged to consider prosecution in the context of the wider public interest. Thirdly, and more practically, the proposal would be resource-intensive and does not take account of operational realities.

By the by, if that last point were the only one, it would not be sufficient, given the seriousness of the deprivation of liberty. Taken together, all three points militate against accepting new clause 5. However, I accept the spirit, if not the intent, of the comments that my hon. Friend and the hon. and learned Member for Beaconsfield (Mr. Grieve) made in saying that we need to be as clear as possible that we have considered everyone's collective preference—that is, prosecution—in great detail and that, in addition, we have properly reviewed the prospects for a prosecution in future and an exit strategy. In part, that is what my hon. Friend is trying to get to in new clause 6. Again, however, new clause 6 as drafted, and probably in intent—although I am not imputing any malign intent—, is inappropriate.

It is important that we do not undermine the independent role of the CPS and the police. Very often—I say this merely in passing and no more—the very committee that should be more jealously guarding than any other the difference between the police, the CPS and the various arms of the state, and the interaction between the judiciary, the legislature and the Executive, couches some of its reports in terms that suggest that the Executive run the judiciary and legislature, which is not entirely appropriate. *[Interruption.]* I thought I heard my hon. Friend the Member for Foyle (Mark Durkan) say something then, but he points to the Liberal Democrat Benches—he must have thrown his voice.

The independence of the CPS and the police is important. The CPS, not the Secretary of State, is responsible for considering whether a person should be charged with a criminal offence. Any shift in that responsibility could undermine its role. So the notion of the review group looking at the future prospects for prosecution is, given the interface between the police and the CPS, appropriate. I would say that the proposed new subsection (6A)(a), (b) and (c) are unnecessary. The statutory obligations of the 2005 Act, combined with court judgments, already deliver the intention behind the amending provisions, and the courts have confirmed that the Secretary of State must consult the police on the prospects of prosecution and do what she can to ensure that the police's consideration is meaningful by providing any relevant information available to them. We looked into the matter at the last review and we undertook to try to achieve that significantly better and in a clearer way, but it is not necessary to build it into the Bill in the way that my hon. Friend the Member for Hendon intends in new clause 6.

Mr. Dai Havard (Merthyr Tydfil and Rhymney) (Lab): The Minister talks about the prospects of prosecution and who is involved in the process, but may I take him back to new clause 5? He relies heavily on the issue—to be debated tomorrow—of involving the Director of Public Prosecutions in decisions about the number of days for which people should be detained, so why is he now resisting the idea of the DPP saying whether there is a reasonable prospect for successful prosecution in respect of control orders?

Mr. McNulty: For precisely the reasons that I have just outlined— what that might do to broader public protection, what it does in respect of resources and what it might well do to the interface between the decision on whether to prosecute an individual and the myriad of other potential prosecutions going on around it. The threshold test does not live or die on its own in this or any other regard; and alongside that is the notion that the prosecution is in the public interest. The interplay between the three factors is important. It is not to denigrate here or anywhere else the role of the DPP, but it is important to understand the interface between those three elements. I wholly appreciate the professional role of the DPP and, of course, the Crown Prosecution Service, to date and subsequently.

Mr. Havard: I believe that the right hon. Member for Suffolk, Coastal (Mr. Gummer) raised the question about the legitimacy, particularly the political legitimacy, of the process with the general population and the people who may be subject to these orders. Surely the safeguard is that people affected would have some sort of verification that someone in the process, such as the DPP, in whom the Minister invests a lot of confidence, was involved. Is that not only politically useful, but useful in respect of the utility of the process?

Mr. McNulty: But I—or, rather, the courts—have already suggested that we are obliged to ensure that the review and monitoring of the prospects for prosecution are constantly kept under review. That is already an obligation imposed by the courts. It is the specifics of the certification by the DPP that trouble me in relation to the interface between resources, other prosecutions that may be germane and the very real risks relating to public protection.

Mr. Grieve: On the Minister's point about the DPP, I find it difficult to envisage circumstances in which it could be said that it was in the public interest to subject somebody to a control order, but not to prosecute them, when the evidence on which to do so was available. That is the first point. The second, which I would add in a spirit of being conciliatory to the Minister, is that I did not mention amendments Nos. 11 and 12. They are relatively minor, but they would deal with the introduction of some retrospective legislation, to which we profoundly object. We will vote against retrospective legislation even though we have no objection to what the Government are otherwise trying to do.

Mr. McNulty: That is entirely fair, and I am grateful to the hon. and learned Gentleman for dropping me a note to explain that he was going to do that. I am happy with that.

In summary, in respect of where the House of Lords is now in view of the latest judgment—to be perfectly fair, it was not as clear as anyone would want in respect of article 5 or 6 or more generally—it is a sort of score

[Mr. McNulty]

draw for everyone. I have already said that I do not regard new clauses 10 to 15 as appropriate or necessary, given what the House of Lords has said about the process. I also disagree with my hon. Friend the Member for Hendon about the "dubious legality" of control orders overall, but it is right and proper for him to have tabled the provisions to allow us to discuss them. I repeat that it may seem churlish to be against new clauses 5, 6 and 7 and to resist the invitation to stay in emollient mood and carry on skipping happy-clappy into consensual uplands—that mood might even prevail tomorrow, who knows?—but I shall do so, not least because the absolute formulaic formulisation, if I may put it in those terms, of those new clauses does not aid the process of securing greater clarity and greater efficiency in the use of control orders in the way intended. That is true because of the obligations we are already under from the courts to do much of what my hon. Friend suggests.

That is not to say that if the amending provisions are not passed, what remains and pertains at the moment is perfect. With the gallant assistance of the courts, we are regularly getting clarity about what should or should not prevail in respect of control orders. I do not doubt that that clarity will continue irrespective of whether the new clauses are passed. In effect, the courts provide as useful a safeguard in the broader sense as possible in dealing with circumstances that I accept are, given the normality of the backdrop of our rule of law, abnormal. I do not doubt either that my hon. Friend the Member for Hendon will, with assistance at the other end of this building, ensure that these matters continue to be up for discussion. As I said at the annual review, given the unsatisfactory nature of control orders, it is right and proper that they should be. I am afraid, however, that I must in the end disappoint the House by resisting the amending provisions.

Mr. Dismore: I gain the impression that my right hon. Friend is bringing his remarks to a close. I would like to press one final point on him—the question of whether it is appropriate to have a maximum period for a control order. I am not wedded to two years, which was simply the suggestion put forward by the Government's own independent reviewer. We tabled the new clauses, to allow Parliament to consider that, but let us remember that some of these people have been subject—without a criminal trial and without being found guilty of anything—to six years of control either in Belmarsh or under control orders. Does my right hon. Friend accept that, apart from in exceptional circumstances, there is a case for specifying a maximum length of time, or not?

Mr. McNulty: In the broadest sense there is, but only within the context of everything else that is going on, rather than as an absolute. Given that we are talking about an unsatisfactory provision in the first place and that we are utilising such an unsatisfactory provision to deal with those who sit between the twilight zone of being fully prosecuted or otherwise, I do not see how, even with all the safeguards I have mentioned—monitoring and constantly reviewing prosecutions—there is anything magical about putting a limit of two years in statute regardless of wider public protection and public safety concerns that are part of the reason for the control order architecture in the first place.

I would rather get to the position implied by Lord Carlile of effectively having an operational norm and then going beyond it in respect of the number of years by exception, while concentrating more readily on the monitoring and evaluation of prosecution. We also need, as I mentioned at the annual review, a proper exit strategy for those who have had their order revoked, which has now happened, albeit only in a few instances. If we can get all the assorted paraphernalia of safeguards, monitoring and evaluation right, we could, as Lord Carlile suggested, think about having some nominal length of time for the order, but it is hard to equate putting such a provision in the Bill with wider public safety and protection considerations.

As with new clauses 5, 6 and 7, I am with my hon. Friend the Member for Hendon and his Committee in spirit, but not in respect of holding down the Government and the control order regime to an architecture of elaborate statutory provisions and responsibilities. In the end, that would only unpick the efficacy, such as it is, of the control order process in all its finest glory.

Although it has been a useful discussion, I must disappoint my hon. Friend and urge the House to resist new clause 5 and the other amendments in this group. However, let us keep discussing how we can collectively improve what I accept is an unsatisfactory process.

It being half-past Six o'clock, MADAM DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

Question put, That the clause be read a Second time.—

The House proceeded to a Division.

Madam Deputy Speaker: Will the Serjeant at Arms investigate the delay in the No Lobby?

The House having divided: Ayes 228, Noes 320.

Division No. 215] [6.30 pm

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Brady, Mr. Graham
Brake, Tom
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David

Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Alistair Burt and James Duddridge

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul

Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mr. Wayne David

Question accordingly negatived.

MADAM DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 4

RECORD OF REMOVAL

Amendments made: No. 47, page 3, line 23, leave out 'as soon as is reasonably practicable'.

No. 48, page 3, line 23, at end insert—

'( ) The record must be made as soon as is reasonably practicable and in any event within the period of 24 hours beginning with the time when the document was removed.'.—*[Mr. McNulty.]*

Clause 5

RETENTION OF DOCUMENTS

Amendment made: No. 49, page 4, line 24, at end insert 'if satisfied that—

(a) the examination of the document is being carried out expeditiously, and

(b) it is necessary to continue the examination for the purpose of ascertaining whether the document is one that may be seized.'.—*[Mr. McNulty.]*

Clause 6

ACCESS TO DOCUMENTS

Amendments made: No. 50, page 4, line 33, at end insert—

'(1A) Where—

(a) a document is retained by virtue of section 5, and

(b) a request for a copy of the document is made to the officer in charge of the investigation by a person within subsection (2),

that person must be provided with a copy of the document within a reasonable time from the making of the request, subject to subsection (3).'.

No. 51, page 4, line 34, leave out 'such a request' and insert

'a request under subsection (1) or (1A)'.

No. 52, page 5, line 1, after 'document', insert

', or (as the case may be) refuse to provide a copy of it,'. — *[Mr. McNulty.]*

Clause 7

PHOTOGRAPHING AND COPYING OF DOCUMENTS

Amendments made: No. 53, page 5, line 18, after 'that', insert '—

(a) a document may be copied for the purpose of providing a copy in response to a request under section 6(1A), and

(b) '.

No. 54, page 5, line 21 [Clause 7], leave out 'such copy' and insert 'copy under subsection (1)(b)'. — *[Mr. McNulty.]*

Clause 20

DISCLOSURE AND THE INTELLIGENCE SERVICES: SUPPLEMENTARY PROVISIONS

Amendment made: No. 55, page 15, line 33, leave out subsection (4). — *[Mr. McNulty.]*

Clause 24

POST-CHARGE QUESTIONING: ENGLAND AND WALES

Amendment made: No. 57, page 17, line 12 , at end insert—

'( ) The questioning of a person under this section

(a) must be authorised in the first instance by an officer of at least the rank of superintendent, and may be so authorised for a maximum of 24 hours in total; and

(b) must subsequently be authorised by a justice of the peace, and may be so authorised—

(i) on initial application, for a maximum of five days in total (including the 24 hours mentioned in paragraph (a)), and

(ii) on subsequent application, for further periods each of up to five days in total.

( ) A justice of the peace must not authorise the questioning of a person under this section unless satisfied—

(a) that further questioning of the person is necessary in the interests of justice, and

(b) that the investigation for the purposes of which the further questioning is proposed is being conducted diligently and expeditiously.'. — *[Mr. McNulty.]*

Clause 25

POST-CHARGE QUESTIONING: SCOTLAND

Amendment made: No. 58, page 17, line 42, at end insert—

'( ) The questioning of a person under this section —

(a) must be authorised in the first instance by a constable of at least the rank of superintendent, and may be so authorised for a maximum of 24 hours in total; and

(b) must subsequently be authorised by the sheriff, and may be so authorised—

(i) on initial application, for a maximum of five days in total (including the 24 hours mentioned in paragraph (a)), and

(ii) on subsequent application, for further periods each of up to five days in total.

( ) The sheriff must not authorise the questioning of a person under this section unless satisfied—

(a) that further questioning of the person is necessary in the interests of justice, and

(b) that the investigation for the purposes of which the further questioning is proposed is being conducted diligently and expeditiously.' *[Mr. McNulty.]*

Clause 26

POST-CHARGE QUESTIONING: NORTHERN IRELAND

Amendment made: No. 59, page 18, line 7, at end insert—

'( ) The questioning of a person under this section

(a) must be authorised in the first instance by an officer of at least the rank of superintendent, and may be so authorised for a maximum of 24 hours in total; and

(b) must subsequently be authorised by a justice of the peace, and may be so authorised

(i) on initial application, for a maximum of five days in total (including the 24 hours mentioned in paragraph (a)), and

(ii) on subsequent application, for further periods each of up to five days in total.

( ) A justice of the peace must not authorise the questioning of a person under this section unless satisfied

(a) that further questioning of the person is necessary in the interests of justice, and

(b) that the investigation for the purposes of which the further questioning is proposed is being conducted diligently and expeditiously.' *[Mr. McNulty.]*

Clause 44

SENTENCES OR ORDERS TRIGGERING NOTIFICATION REQUIREMENTS

Amendments made: No. 62, page 31, line 18, leave out from beginning to end of line 22 and insert—

'(i) imprisonment for life,

(ii) imprisonment for a term of 12 months or more,

(iii) imprisonment for public protection under section 225 of the Criminal Justice Act 2003;'.

No. 63, page 31, line 38, at end insert—

'( ) In relation to a sentence passed at any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life etc), subsection (1)(a) above has effect with the following modifications

(a) in sub-paragraph (i), after "imprisonment" insert "(or custody)";

(b) in sub-paragraph (ii), after "imprisonment" insert "(or detention in a young offender institution)";

(c) in sub-paragraph (iii), after "imprisonment" insert "(or detention)".'

No. 64, page 31, line 41, at end insert—

'( ) imprisonment for life,

( ) an order for lifelong restriction under section 210F of the Criminal Procedure (Scotland) Act 1995,

( ) detention without limit of time under section 205(2) of that Act (punishment for murder for offenders under 18),

( ) detention in a young offenders institution under section 205(3) of that Act (punishment for murder for offenders aged 18 to 21),'.

No. 65, page 32, line 16 , leave out from beginning to end of line 18 and insert—

'( ) imprisonment for life,

( ) imprisonment (or detention in a young offenders centre) for a term of 12 months or more,

( ) an indeterminate custodial sentence under Article 13(3) and (4) of the Criminal Justice (Northern Ireland) Order 2008,'. *[Mr. McNulty.]*

Clause 52

PERIOD FOR WHICH NOTIFICATION REQUIREMENTS APPLY

Amendments made: No. 66, page 36, line 32, leave out from beginning to end of line 36 and insert—

'(i) imprisonment for life,

(ii) imprisonment for a term of 5 years or more,

(iii) imprisonment for public protection under section 225 of the Criminal Justice Act 2003;'.

No. 67, page 37, line 2, leave out from beginning to end of line 5 and insert—

( ) an order for lifelong restriction under section 210F of the Criminal Procedure (Scotland) Act 1995,

( ) detention without limit of time under section 205(2) of that Act (punishment for murder for offenders under 18),

( ) detention in a young offenders institution under section 205(3) of that Act (punishment for murder for offenders aged 18 to 21),

( ) imprisonment for a term of 5 years or more,'.

No. 68, page 37, line 20, at end insert—

'( ) In relation to a sentence passed at any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life etc), subsection (1)(a) above has effect with the following modifications.

(a) in sub-paragraph (i), after "imprisonment" insert "(or custody)";

(b) in sub-paragraph (ii), after "imprisonment" insert "(or detention in a young offender institution)";

(c) in sub-paragraph (iii), after "imprisonment" insert "(or detention)".'

No. 69, page 37, line 20, at end insert—

'( ) an indeterminate custodial sentence under Article 13(3) and (4) of the Criminal Justice (Northern Ireland) Order 2008,'. *[Mr. McNulty.]*

Clause 71

OFFENCES RELATING TO INFORMATION ABOUT MEMBERS OF ARMED FORCES

Amendments made: No. 75, page 51, line 18, leave out from 'about' to 'which' in line 19 and insert

'an individual who is or has been—

(i) a member of Her Majesty's forces,

(ii) a member of any of the intelligence services, or

(iii) a constable,'.

No. 76, page 51, line 22, leave out 'information of that kind' and insert 'any such information'.

No. 77, page 51, line 34, at end insert—

'( ) In this section "the intelligence services" means the Security Service, the Secret Intelligence Service and GCHQ (within the meaning of section 3 of the Intelligence Services Act 1994).' *[Mr. McNulty.]*

Clause 74

CONTROL ORDERS: MEANING OF INVOLVEMENT IN TERRORISM-RELATED ACTIVITY

Amendment proposed: No. 11, page 54, line 8, leave out subsection (2). *[Mr. Grieve.]*

Question put, That the amendment be made:—

The House divided: Ayes 227, Noes 322.

Division No. 216] **[6.47 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David

Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Streeter, Mr. Gary
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Timpson, Mr. Edward
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Jeremy Wright and James Duddridge

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beil, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan

Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mark Tami and
Mr. Wayne David

Question accordingly negatived.

Clause 28

JURISDICTION TO TRY OFFENCES COMMITTED IN THE UK

7 pm

Mr. McNulty: I beg to move amendment No. 60, page 20, line 39, at end insert—

"( ) In section 1 of the Justice and Security (Northern Ireland) Act 2007 (c. 6) (issue of certificate for trial without a jury), after subsection (6) insert—

"(6A) The Director of Public Prosecutions for Northern Ireland may not issue a certificate under subsection (2) if—

(a) the proceedings are taken in Northern Ireland only by virtue of section 28 of the Counter-Terrorism Act 2008, and

(b) it appears to the Director that the only condition that is met is condition 4."."

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following amendments:

No. 111, page 20, line 39, at end insert—

"(6A) Where this section applies to an offence committed in Scotland, proceedings may only be taken in another part of the United Kingdom following consultation with, and with the consent of, the Lord Advocate.".

Government amendment No. 9.

No. 112, in clause 30, page 21, line 14, leave out first 'court' and insert 'jury'.

No. 79, in clause 33, page 22, line 13, after 'property', insert 'in respect of'.

No. 80, page 22, line 14, after 'which', insert 'the court is sure that'.

No. 81, page 22, line 17, leave out 'had reasonable cause to suspect' and insert 'suspected'.

No. 82, page 22, line 22, after 'which', insert 'the court is sure'.

No. 83, page 22, line 24, leave out 'had reasonable cause to suspect' and insert 'suspected'.

No. 84, page 22, line 29, after 'which', insert 'the court is sure'.

No. 85, page 22, line 35, after 'which', insert 'the court is sure'.

No. 86, page 22, line 40, after 'which', insert 'the court is sure'.

No. 87, page 22, line 43, after 'property', insert 'in respect of'.

No. 88, page 23, line 1, after 'which', insert 'the court was sure was'.

No. 89, page 23, line 1, leave out 'is'.

No. 90, in clause 34, page 23, line 11, after 'which', insert 'the court is sure that'.

No. 20, in clause 35, page 24, line 19, after 'section', insert

'and where the court is satisfied on the balance of probabilities that the person is the owner or otherwise has an interest in anything which otherwise might be subject to forfeiture under that section and considers that it would be unjust to that person to make an order of forfeiture the court shall not make such an order but shall make such other order as seems to the court to be just.'.

No. 91, page 24, line 23, after 'person', insert

'or on any person dependent upon the convicted person'.

No. 92, in clause 37, page 27, line 16, at end insert

'and where the court is satisfied on the balance of probabilities that the person making the claim is the owner of or otherwise has an interest in anything which otherwise might be subject to forfeiture under this section and considers that it would be unjust to that person to make an order of forfeiture, the court shall not make such an order but shall make such other order as seems to the court to be just.'.

No. 93, page 28, line 2, at end insert

'and where the court is satisfied on the balance of probabilities that the person making the claim is the owner of or otherwise has an interest in anything which might otherwise be subject to forfeiture under this section and it considers that it would be unjust to that person to make an order of forfeiture the court shall not make such an order but shall make such other order as seems to the court to be just.'.

Mr. McNulty: These amendments relate to three distinct provisions in the Bill: UK-wide jurisdiction, aggravated sentencing and forfeiture. Clause 28 creates UK-wide jurisdiction for terrorism offences. A number of concerns about the clause were raised in Committee, and I hope that the House will agree that Government amendments Nos. 60 and 9 respond to those. It was pointed out fairly in Committee that there was at least potential for the provisions of Clause 28 to mean that an individual could be transferred to the Northern Ireland jurisdiction and fall straight under the non-jury trial provisions there. As I said in Committee, that was never the Bill's intention on jurisdiction, which is why I undertook to examine the matter further.

Perhaps I may explain some of the background to this matter. The non-jury trial arrangements in the Justice and Security (Northern Ireland) Act 2007 are extremely narrowly drawn, not least in the wake of the peace process, which is happily unfolding. They are designed to deal solely with the residual risks to the administration of justice created by community and paramilitary-based pressures on jurors in Northern Ireland. Sadly, jurors in Northern Ireland remain vulnerable to threats to the safety of themselves and their families, and bribery and blackmail are used to influence jurors to reach particular verdicts. Those issues are exacerbated by the small, close-knit nature of communities in Northern Ireland, and they remain so acute that the special arrangements in the 2007 Act were put in place to ensure that fair trials could be delivered and that the safety of jurors could be protected. There is a presumption for jury trial in all cases, and non-jury trial will be available only in exceptional cases. That is the opposite of the Diplock arrangements, whereby the default was non-jury trial for certain offences. I have been told, nay upbraided, by the Home Office lawyers that I cannot call this Diplock by shorthand and that I must refer to non-jury trial.

A non-jury trial can take place only if the Director of Public Prosecutions for Northern Ireland issues a certificate on the basis that he is satisfied that one or more of the conditions in the legislation is met and, in view of that, there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury.

The conditions are the following: first, that the defendant is a member, or an associate of a member, of a proscribed organisation connected with the affairs of Northern Ireland; secondly, that the offence was committed on behalf of a proscribed organisation connected with the affairs of Northern Ireland; thirdly, that an attempt has been made to prejudice the investigation or prosecution of the offence by, or with the involvement of, a proscribed organisation connected with the affairs of Northern Ireland; and fourthly, that the offence was committed as a result of, in connection with, or in response to religious or political hostility—the serious sectarianism that still prevails, happily only in some small part, in Northern Ireland.

As the House will have noticed, the first three of the conditions are expressly limited to proscribed organisations connected to the affairs of Northern Ireland. Although the fourth condition implicitly refers to Northern Ireland, not least because it is in a Northern Ireland-related Act, it could be interpreted as allowing the transfer of cases to a non-jury trial in Northern Ireland where the terrorism is not connected to the affairs of Northern Ireland.

I appreciate that—rather laboriously—amendment No. 60 would thus ensure that a case could not be transferred to a non-jury trial solely on the basis of that fourth condition. In other words, a prosecution could be transferred from Great Britain to a non-jury trial in Northern Ireland only where it was connected to the activities of a proscribed terrorist organisation in Northern Ireland and where the other conditions set out in the 2007 Act and clause 28 were met. The likelihood of circumstances arising where all those conditions would be met is extremely low, and, as such, I believe that the amendment provides sufficient reassurance that a defendant could not be transferred to Northern Ireland under the jurisdiction provided by clause 28 with the result that he be tried without a jury—the Committee mentioned that—unless his offence was connected with a Northern Ireland terrorist group, in which circumstance we feel that it is appropriate to preserve the DPP for Northern Ireland's discretion to provide for the trial to take place without a jury under the regime that has been put in place to take account of the particular challenges facing the administration of justice in Northern Ireland.

The non-jury trial system in Northern Ireland is risk-based, which means that only those cases where non-jury trial is necessary to ensure that the administration of justice is not impaired are tried by a judge sitting alone. I thought that the reasons outlined in the Committee's debate were perfectly fair, and, as I indicated, it was not the Government's intention to have people presented to a non-jury trial in Northern Ireland, erroneously or otherwise, in that context. The amendment is a laborious if elegant way—that might be a contradiction in terms—to get round that and to ensure that what the Committee did not want to happen does not happen.

Amendment No. 9 arises from the deliberations of the Committee. It proposes to remove subsection (7) of clause 28 to ensure that measures providing UK-wide jurisdiction for terrorist offences cannot have retrospective

[Mr. McNulty]

application. The Committee was, quite fairly, at pains to express that point. Although we could envisage a cross-border incident occurring before the jurisdiction provisions are implemented, that is unlikely, and if it were to occur there could be separate prosecutions, as at present. I am therefore content to remove the subsection, and I ask hon. Members to support the amendment.

If I may, I shall speak just to the Government amendments. I shall, of course, respond to hon. Members as they propose their own measures. I might, thus, have some time to get rid of this fly, which has been pestering me for the past half an hour.

Mr. Grieve: First, may I say to the Minister, as I said earlier, that I welcome the Government's important concession in amendment No. 60? He has listened to the concerns that were expressed, and I was happy to accept his assurances in Committee that the purpose of transfer to Northern Ireland was not to enable somebody to be tried there without a jury when the offence was of a nature that would have been tried with a jury here. I am grateful to him for having taken that on board.

I also welcome the fact that the Government have signed up to what was originally our amendment No. 9—it is now Government amendment No. 9—which removes the ability for there to be retrospectivity. I wish the Government had taken the same view on amendment No. 11, on which we voted only a short time ago, because the provision that it addresses is also completely retrospective in its application. At least half the cake is better than no cake at all in terms of removing the most objectionable little bits that surface in pieces of legislation.

I am conscious that the Liberals have tabled amendment No. 111, which seeks to ensure the concurrence of the Lord Advocate in prosecuting decisions. The Lord Advocate's evidence to the Public Bill Committee made it clear that she did not consider that there was any requirement for concurrence in respect of the Lord Advocate, because she simply did not envisage that, given the conventions and the strength of the relationship between her office and those of the Attorney-General and the DPP, there was any requirement for it. Although I fully understand the Liberal Democrats' motives for tabling the amendment, the Lord Advocate did not ask for such a provision and I would find it difficult to support something that is not being requested by the independent lawyer in charge of the prosecution service in Scotland.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I am not without sympathy for that latter point, and it will perhaps have more significance tomorrow than today. The relationship to which the Lord Advocate referred is a dynamic one, and significant changes in it have taken place within the past 12 months. Is it not sensible to make provision for the day when perhaps the relationship is not working, so that it is clear who has the final say?

Mr. Grieve: I understand the point that the hon. Gentleman makes. Perhaps because I am a Conservative, I am a believer in conventions. If a convention appears to work and not to require further amplification, I am loth to interfere. The Government, of course, have been good at interfering with conventions and of throwing them in the dustbin of history, and that is regrettable.

It is worth noting that the Lord Advocate is somewhat unusual in that she has survived a regime change in Edinburgh. She has also survived a slight and subtle, but significant, change in her constitutional role.

Given what the Lord Advocate has said so emphatically, I would be loth to interfere. I appreciate the hon. Gentleman's anxiety, and perhaps I can reassure him by saying that if there were to be a serious difference of view on an issue of the kind we are discussing, it would create a mini constitutional crisis and the House would have to return to the issue. The smooth running of constitutions depends on more than our getting a series of rules right. If an established relationship is so clear and self-confident—at both ends—that no one has ever seen a problem on which there has not been a meeting of minds, I would be loth to interfere with it.

Mr. Carmichael: Can the hon. and learned Gentleman see any disadvantage in adding the proposed words to the Bill?

Mr. Grieve: The disadvantage would be that where a relationship works well without such a requirement—and is therefore seen perhaps as a pillar of the good working of our Union, which I support—I would not wish to see its having to be qualified with even the suggestion that it would require some statutory clarification in certain circumstances. For that reason, I would not support the amendment.

The Liberal Democrats have also tabled amendment No. 112, which would require a jury to determine the issue of terrorist connection. We debated this point extensively in Committee, and I can see the force of the argument. However, as a lawyer, I am mindful that such issues are currently resolved on the voir dire by the judge alone. I shall be interested to hear the Minister's comments on the point, but I would be hesitant about interfering with that principle just because a case is a terrorist case.

Last, but by no means least, my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) has tabled several amendments on forfeiture, which are highly pertinent. He has not had an opportunity to develop those amendments, and I shall finish speaking and let him do so. I hope that the Minister will respond in detail to what he has to say, because the issues are relevant. We need to protect the individual and when passing such legislation we need to ensure that it works fairly.

Tom Brake: I wish to speak in favour of the Liberal Democrat amendments Nos. 111 and 112, and to respond to the other amendments in the group. My hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) has already highlighted the reasons why we tabled amendment No. 111. Elish Angiolini has confirmed that the relationship is a good working relationship and she does not feel that the amendment is necessary, but the relationship is presumably dependent on the different personalities who are in post, and those can change to personalities that might work less well together. That is why we think that it is appropriate to include the need for consultation.

Mr. McNulty: The logic of that argument is that we should also include a presumption that the Attorney-General must afford permission for any offence committed in England and Wales to be transferred elsewhere. Why not include that if one does not trust the relationship?

7.15 pm

Tom Brake: That may be a point that my colleagues in the other place may wish to pursue. However, we are discussing amendment No. 111, which deals specifically with the relationship with the Lord Advocate, which was also discussed in Committee.

Pete Wishart: It is not only the Lord Advocate who is no longer prepared to pursue this amendment. The Law Society of Scotland, which briefed all Scottish Members before Second Reading, thought that it was not appropriate. After listening to the evidence that the Lord Advocate does not think that it is the right approach, does the hon. Gentleman agree that Scottish legal opinion is settled on this issue?

Tom Brake: The hon. Gentleman might be right. We will not press the issue to a vote and, as it is unlikely that we would be able to muster sufficient forces, we could not achieve a change in the law. The issue was raised in Committee and on Second Reading, and it was appropriate for us to raise it by way of an amendment tonight.

According to my speaking notes, we have the support of the official Opposition on amendment No. 112, although the hon. and learned Member for Beaconsfield (Mr. Grieve) said that it was an issue in which he was interested, rather than something for which he expressed his support. It would require a jury to establish whether there was a terrorist connection, rather than a judge. The purpose of the amendment is not to seek to undermine the principle that it is for the judge to determine the sentence. Clauses 30 to 32 deal with evidential questions, not sentencing, and that is why—

Mr. Grieve: The point that I was making was that if there is a plea of guilty to an offence and there is a dispute about the factual basis of the plea—the same principle as someone pleading to an offence, but saying that there is no terrorist connection when the prosecution says that there is—it has historically been resolved by the judge alone. If the hon. Gentleman wants to make a case for departing from that principle in terrorist cases, he must view it in the overall context of how our legal system has resolved that issue generally and whether it would be justified to make an exception in the case of terrorism. I agree that it is an important issue, but I remain unpersuaded.

Tom Brake: The difference in terrorist cases is the aggravating nature of the offence and the penalties that are associated with it—

Mr. Hogg: Precisely that point arises on a plea of guilty to murder, for example. In the Criminal Justice Act 2003, the question of whether there are aggravating or mitigating considerations arises in the same form, and that is a matter for the trial judge on a plea of guilty and never a matter for a jury.

Tom Brake: I am at risk of taking a series of interventions from learned Members who may be better briefed on this subject than I am, but there is still the important principle that terrorist offences are serious by their very nature and attract appropriate sentences. The purpose of the amendment is to ensure that a jury, rather than a judge, takes responsibility for clarifying whether there is a terrorist connection—

Mr. Heath: Is not the difficulty the huge elevation in tariff that is possible by applying the terrorist tag to an offence that would otherwise be relatively minor? That is the difficulty, and why those tasked as the finders of fact should be involved.

Tom Brake: As the Minister said, my hon. Friend played a key part in Committee. His intervention is helpful in supporting our case for the amendment and clarifying the reasons for it.

I do not want to pursue the debate further. We support the clause as a whole and would like to see it amended in the way that is proposed. We support Government amendments Nos. 60 and 9, which we welcome. Again, they are evidence that the Committee stage has delivered positive changes to the Bill. Should the larger number of amendments at the end of this group be pushed to a vote, we would be inclined to support them.

Notwithstanding the interventions from a number of hon. and learned Gentlemen, there is an important principle here. As my hon. Friend the Member for Somerton and Frome (Mr. Heath) said, we think that the additional tariff for terrorist offences would warrant the passing of amendment No. 112, which we will seek to press to a vote.

Mark Durkan: The Minister spoke on Government amendment No. 60 and said that the non-jury court provisions in Northern Ireland were not, according to his notes, the Diplock courts. There have been changes in the past couple of years. The House passed legislation to do away with the emergency provisions in Northern Ireland in 2006 and then provided the Justice and Security (Northern Ireland) Act 2007 to bring back a number of those emergency provisions, including non-jury trials, essentially continuing the Diplock courts. They might have been on a different basis, but they were non-jury courts none the less.

The Minister referred to the fact that under the 2007 Act the DPP for Northern Ireland will issue a certificate deeming that there will be a non-jury trial. That certificate is not challengeable in a court or by a court. None of that is changed by the Government's amendment. As the Minister said, the DPP has four grounds to use for a certificate and does not have to declare any of those grounds on the certificate. No one has any way of challenging it, judicially reviewing it or anything else. The person concerned, their lawyers, the general public and everybody else will not know which of the four conditions the DPP decided was satisfied and therefore warranted a non-jury trial.

The first condition arises if the accused is a member of a proscribed organisation or has at any time been a member of an organisation that was at any time proscribed. The DPP will make that judgment and nobody will know where it has come from, on what information it is based or even what the organisation might be. Condition two is that

"the offence or any of the offences was committed on behalf of a proscribed organisation"

or that such an

"organisation was otherwise involved with, or assisted in, the carrying out of the offence".

[Mark Durkan]

Again, nobody will know any of the details. Condition three is that

"an attempt has been made to prejudice the investigation".

Of course, there is the issue of whether someone is an associate of a member of a proscribed organisation, too. None of the conditions is changed by the removal of the fourth condition by the Government's amendment. The fourth condition is that

"the offence...was committed to any extent (whether directly or indirectly) as a result of, in connection with or in response to religious or political hostility".

In so far as the amendment reduces the grounds on which the highly arbitrary certificates can be issued, we welcome it as a departure from the norm in Northern Ireland. It will mean that the DPP will no longer be able to issue such a certificate to demand a non-jury trial simply because the crime has been religiously or politically motivated.

That is a small, welcome improvement, but it does not take away from the fact that we still have continuity when it comes to Diplock courts. The Minister might say that his notes say they are not Diplock courts, but we cannot believe that they are not when they are non-jury trials determined for unchallengeable reasons. The certificates do not have to state any grounds or any evidence. Indeed, when the 2007 Act was being passed, the then Secretary of State, the right hon. Member for Neath (Mr. Hain), told us that the DPP could act simply on the basis of information given to him by the intelligence services. He even said that the DPP could simply say to the judge—the judge might want to ask in advance, and could be told privately—that it was based on certain information, but that nothing could be said or asked in court.

Although I welcome the fact that the Government have seen fit to chip away at one bit of the provisions for non-jury trial that they belatedly added to the 2007 Act, they do not go far enough. Of course, we have the odd situation whereby as a result of the legislation passed last year—and of this Bill, if it is passed—the DPP for Northern Ireland will be able to insist on non-jury trials on grounds that are completely secret and unchallengeable if a terrorist offence is related to the affairs of Northern Ireland, but if it is a wider terrorist offence, there will be an absolute guarantee of a jury trial. That is an odd anomaly to ask the people of Northern Ireland to accept. If the group is al-Qaeda, a jury trial will be guaranteed. However, it will be a non-jury trial if it is some other group, name and link unstated and unspecified, with no evidence produced in court, with the court not allowed to ask questions and with people left to think the worst—in fact, some hon. Members went so far as to want the 2007 Act to be amended to ensure that a court could draw an inference from the fact that a certificate had been issued. Clearly, Northern Ireland needs even more revision of the 2007 Act than the Government amendment provides. The amendment is a very limited improvement. It is welcome to that degree, but we need to see a lot more.

I am not in any way as hostile to or critical of amendment No. 9. We have a more chequered view of the amendments tabled by the Lib Dems and the Tories. I can see the sense of some of them, but I do not think that others necessarily add any significant improvement to the Bill. In fact, they might create some technical difficulties.

Mr. Hogg: I want to address three matters. I shall begin with a comment on amendment No. 112, which was tabled by the Liberal Democrats. I agree entirely with my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve). Let us take a comparable case, which I cited to the hon. Member for Carshalton and Wallington (Tom Brake), namely one in which there is a plea of guilty in a murder case. The hon. Gentleman will remember that a schedule to the Criminal Justice Act 2003 provides an approach to sentencing with a starting point of 15 years and provides aggravating and mitigating circumstances. It is relatively easy to drive up the tariff, if I may so call it, to 30 years. In other words, there can be a huge variation between the starting point and the end sentence. That rather takes account of the point made by the hon. Member for Somerton and Frome (Mr. Heath).

The disparity can be great, yet on a plea of guilty the issue of whether there are sufficient aggravating factors to drive the minimum sentence up to the high figure of 30 years, for example, is exclusively a matter for the judge. There is no role for a jury in such murder cases. Given that, I find it hard to see why, as a matter of principle, we need a specific provision for the jury in a terrorist case in which there is a guilty plea, when we do not have one for the jury in a murder case. Therefore, I am inclined to think that my hon. and learned Friend the Member for Beaconsfield is entirely right on that point.

7.30 pm

David Howarth (Cambridge) (LD): Does the right hon. and learned Gentleman agree that the point of principle should be decided together, and not simply be a matter of precedent? Is it right in principle that a matter of such importance should be dealt with by the judge and not by the jury, even in the murder case that he described?

Mr. Hogg: The hon. Gentleman says that the point of principle should be determined on its merits and not be simply a matter of precedent, and I entirely agree. That is a perfectly fair comment, but I am not uncomfortable with having the essential decision made by the trial judge. The hon. Gentleman will also know that there are other precedents on which we can draw and that we must have regard to precedents in this area of the law—for instance, the Newton hearings are designed to determine the basis of a plea. We are on a slippery slope: if we adopt the approach advocated by the Liberal Democrats, we would soon find ourselves calling juries in to determine many matters that I believe are properly the province of the judge.

I hope that the Liberal Democrats will understand that I will not be supporting them on this matter.

Mr. Gummer: Does my right hon. and learned Friend agree that we have come across this problem before, in a rather different form? Legislation on terrorism is at its best when it sits best with all other legislation. Is it being suggested that we should look at how this matter is dealt with in all the other, non-terrorism legislation? It

would be very much better if this Bill were on all fours with all that other legislation, as that is how it will get the legitimacy that it needs so desperately. In that way, it will be possible to justify those of its provisions that differ from other legislation.

Mr. Hogg: My right hon. Friend is entirely right, and I should like to make two points in response to what he has said. I am sure he is correct to say that we should try to treat counter-terrorism legislation the same as legislation that covers other serious crime and that, to the extent that we properly can, we should adopt an exceptional process for it. On the other hand, the hon. Member for Cambridge (David Howarth) is right to say that we should be willing to bring the other issues of serious crime into line with counter-terrorism legislation, if the merits of the argument point in that direction. However, my feeling is that that is best left to the judge, and it is for that reason that I shall not follow the Liberal Democrats' advocacy on the matter.

I want to make two other points, and the first has to do with forfeiture. The House will know that there are very extensive powers of forfeiture in both the 2000 Act and clauses 33, 34 and 37 of this Bill. What standard of proof should the judge require before a forfeiture order is made?

A forfeiture order is a draconian measure. It is appropriate in many cases, but we must make sure that a court is satisfied beyond a reasonable doubt that the relevant criteria set out in legislation are satisfied before such an order is made. In a bid to pre-empt an observation that the Minister may make, I should say that I believe such a requirement should be in the Bill. It may be that the courts will have said in previous decisions that surety is a requirement, but we must say as much in legislation. The Minister will know that there was a case earlier this year in which the issue of aggravating circumstances in murder cases went to the Court of Appeal. That was the level at which it was decided that the judge involved had to be satisfied beyond a reasonable doubt: that decision was needed because the existing legislation did not suffice in that respect.

Mr. Heath: The right hon. and learned Gentleman rightly said that the proposed powers are draconian. The high penalty that forfeiture represents persuades me that the decision that elevates a minor offence to one with a terrorist connection must be taken by a jury. Given what he said earlier, I do not think he agrees with me, but does he accept that that is a point worth considering?

Mr. Hogg: The hon. Gentleman makes a real point that I do not underestimate, and we all have to work out where we stand on the issue. All I can say is that I disagree, but I do not dismiss his argument as nonsense; it is not but, all in all, I prefer to leave such decisions to the judge. On this matter, reasonable-minded Members must agree to disagree and vote accordingly.

My final point featured in Committee as the 'McNulty issue", although I assure you, Madam Deputy Speaker, that we were talking about a wholly fictional character and not the Minister. Our debate had to do with forfeiture that is capable of affecting innocent third parties. The terrorism offences specified in the Bill are quite extensive, and I suggested in Committee that a garage proprietor had been convicted of one. In my story, the entirely fictional McNulty had lodged his car for repair with that proprietor and, unhappily—but as might easily happen in real life—his vehicle had been used in connection with a terrorism offence. I said that the prosecution authorities in the case sought a forfeiture order, and that Mr. McNulty was naturally very upset because it meant that he would lose his car. My amendments Nos. 20, 92 and 93 would ensure that the court would have to give Mr. McNulty ample opportunity to make representations, and that it would not make a forfeiture order if he could establish that he owned the car and show that such an order would be unjust.

One other short point in respect of forfeiture orders is worthy of note. When such an order is made against a convicted person, the court is directed to have regard to the impact that it will have on that person. Other considerations, such as the value of the forfeiture, must also be taken into account. I am anxious to ensure that the court should also have regard to the interests of any person who might be dependent on the convicted person. I have in mind dependent children, or an innocent dependent spouse. The interests of such persons are easy to disregard, but it is our purpose and duty to try to enshrine in statute law a proper protection for them.

I have set out the three issues to which I wished to draw attention, and I commend them to the House.

Mr. Carmichael: I shall not detain the House long, but I want to say a few words about amendment No. 111, to which my hon. Friend the Member for Carshalton and Wallington (Tom Brake) spoke.

The only objection to the amendment appears to be that, in evidence to the Committee, the Lord Advocate said that she did not feel it was necessary. I have worked with the hon. and learned Member for Beaconsfield (Mr. Grieve) on many Bills, and I have a high regard for him. I listened to him carefully, and I was struck by his apparent willingness to be just a little slapdash. He is famous for dotting i's and crossing t's—he often dots i's and crosses t's that the rest of us do not know are there to be dotted and crossed—but he was prepared to say earlier that the matter covered by the amendment could be left to convention and existing working relationships.

The point of which the House is not properly seized is that the clause adds a new, radical dimension to that relationship. The existing convention may at some future date simply be insufficient to deal with it. Where there are cross-border elements to the planning or execution of a criminal act, criminal procedure already allows for it to be tried in the most appropriate jurisdiction. That is well established, and it works in criminal courts on both sides of the border, week in and week out. The novelty is that the Bill will for the first time allow a crime that is wholly planned and executed in Scotland to be tried somewhere other than Scotland. The only occasion when that happened was the trial of the Lockerbie bombers. It took place in Holland, which, for the purposes of the trial, was deemed to be Scotland, so the idea did not work. Full account has to be taken of that novelty.

I take the views of the Lord Advocate exceptionally seriously. I hold her in the highest possible regard. As the hon. and learned Member for Beaconsfield pointed out, she has quite remarkably survived regime change. She was originally nominated to her position by a Labour-Liberal Democrat Administration, and was then

[Mr. Alistair Carmichael]

nominated for a slightly different position by the incoming Scottish National party Government. It is reasonably well known in some circles that she was my first boss when I was a trainee solicitor. I find it very difficult to take issue with her views. However, having considered the terms of her evidence to the Committee, I do not think that what she said constitutes a barrier to the House agreeing to amendment No. 111, if it were pressed to a Division.

As I said to the hon. and learned Gentleman, the amendment will not create any particular barrier. If it is a codification of an existing convention, there is no harm in having it in the Bill. If the point came when a case was removed from the jurisdiction of the Scottish courts without the consent of the Lord Advocate, it would be not only a constitutional crisis, as one hon. Member said, but too late, because there would be absolutely nothing to stop it happening.

Pete Wishart: I appreciate the hon. Gentleman's diligence on the issue, but does he not accept that the Lord Advocate is not alone in her opinion? It is shared by the Law Society of Scotland. There is no enthusiasm from the Scottish Government on the issue. It seems that only the hon. Gentleman and his colleagues are hell-bent on pursuing the issue. It really is time to give up.

Mr. Carmichael: My goodness, I never thought I would see the day when the hon. Gentleman became the voice of the Scottish establishment. There is a supreme irony in the fact that although Scottish National party Members are always chuntering and heckling away at the rest of us about how they are the only ones who will stand up for Scotland, now that there is a real challenge to the independence of the Scottish legal system, they are the first to roll over and give in.

We will not press the amendment to a Division, as it is pretty clear that it does not have the support of the House. However, in future it will be seen that we were right. It will be seen that it was the Liberal Democrats who stood four-square with the independence of the Scottish legal system, and that the SNP and the other parties conspired against it with the legal establishment.

Mr. McNulty: May I say, unusually, what a profound displeasure it is to follow the rant of the hon. Member for Orkney and Shetland (Mr. Carmichael)? With the best will in the world, even he does not believe what he said. I stand four-square with the SNP, the Conservative and Unionist parties and all others in saying that he is looking for a bandwagon that simply does not exist. I have a document here that says "Stand up for Scotland". What a load of nonsense.

Mr. Carmichael: I am absolutely astonished. The right hon. Gentleman's colleagues from north of the border will be furious to see him giving such support and succour to the Scottish nationalists.

Mr. McNulty: Okay, pantomime over. That is not the case at all. The hon. Gentleman is looking for an issue that simply is not there. To be fair, the Scottish press sought the same issue. To be absolutely fair, as my noble Friend Baroness Scotland and the Lord Advocate have said, it is not an issue. They say that not because they get on so well, but because of the absolute responsibilities of their respective offices. The measure is utterly redundant, as will I be if other Members keep knocking Opposition amendments with such guile and eloquence. I need add no more on the subject of the amendment on aggravated sentences, because it has all been said by assorted Opposition Members.

7.45 pm

Mr. Carmichael: Will the Minister give way?

Mr. McNulty: Only if the hon. Gentleman does not do a rather bad pantomime dame impression.

Mr. Carmichael: When it comes to bad pantomime dames, I will take lessons from the Minister. Does he not accept that the whole point of the Bill is that it fundamentally affects the total authority of the prosecution authorities? That is why some safeguard is necessary.

Mr. McNulty: But the substance of part 3 addresses precisely that point, and we think that it does so in an entirely satisfactory fashion—and so does the Scottish legal establishment, as the hon. Member for Perth and North Perthshire (Pete Wishart) said, and most other parties in the House. I really do not think that this is an issue of substance.

On the points that my hon. Friend the Member for Foyle (Mark Durkan) made, I want to make it very clear that I am in no way amending the Justice and Security (Northern Ireland) Act 2007. I am not taking out that fourth limb, save in the context of clause 28 and the issues to do with jurisdiction. I have nothing but support for the Act, because it is a Government Act, but I am keenly aware that my hon. Friend has some difficulties with it. I just wanted to make that point clear. When I referred to Diplock, I was referring to the admonishments from my lawyers, who wanted me to stop calling this Diplock. That at least implies that I may have called it that before I was suitably admonished. I pass no comment on whether I was right or wrong.

I am not entirely sure what is left to be dealt with, save the amendments of the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), which are important. I do not take them lightly. In the main, they are redundant and emphasise points that are already provided for in the Bill, but I can give a little hope to him: amendment No. 91 stands out from the array. I thank him for tabling it. The motivation behind it is clear, and he referred to it in Committee. He wishes to ensure that forfeiture of a convicted terrorist's assets does not lead to injustice and unwanted consequences for his innocent family. Clearly, the Government share that motivation, and we discussed the point in Committee. The sting in the tail, as ever, is that we are not entirely happy with the drafting as there may be issues to do with who counts as a dependant. The term is not fully defined. I assure the House that I will take the amendment away for careful consideration, and intend to come back with a revised amendment of our own, because I do not think that the amendment is otiose or redundant. Most of the other arguments that he makes are perfectly fair, but they reinforce points already set out in the Bill or in law.

Mr. Hogg: The right hon. Gentleman is being very helpful. He says that it should not be stated in the Bill that the burden of proof is "beyond reasonable doubt" because that is already set out in law. Would he be good enough to explain why he says that? I am not persuaded that what he says is the case; if I am wrong, so be it, but will he say why I am wrong?

Mr. McNulty. At the risk of stating the obvious, "beyond reasonable doubt" is absolutely central to all that we do, in every part of the courts' processes. I do not say that it is wrong to put it in the Bill; I simply say that it is redundant to do so as explicitly as the right hon. and learned Gentleman suggests. However, I take his point on amendment No. 91, and with his indulgence, I will take it away to look at it further.

Mr. Llwyd: The Minister is generous to give way to me, because I have not taken part in this debate. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) makes a good point, because normally when a forfeiture is made under current law in criminal courts, the standard is "the balance of probability"—that is, the civil standard, not the criminal standard.

Mr. McNulty: I am not sure that that is the case. If we specified in the Bill that the judge must be satisfied beyond reasonable doubt, that could cast doubt not only on the burden of proof, but on the integrity of all other sentencing provisions. Our law is not littered with the phrase "beyond reasonable doubt". It operates in part by convention and in part by statute, and to isolate the forfeiture provisions and add "beyond reasonable doubt", which pertains anyway, could cast doubt on other sentencing provisions. Where there is doubt lies confusion, and where there is confusion, a pile of lawyers rush in and make a load of money out of it. That is not worth while, especially in such a sensitive area. It is well established that the test is "beyond reasonable doubt". My brief says, "Leave well alone". I shall not translate that into parliamentary language; the thrust is clear.

I commend Government amendments Nos. 60 and 9, and I am grateful for the broadly generous way in which the House has received them, notwithstanding the comments of my hon. Friend the Member for Foyle. I urge the House to resist the other amendments in the group, save for my assurance that I will take amendment No. 91 away for consideration. It refers to an issue that the right hon. and learned Member for Sleaford and North Hykeham has usefully brought to the attention of the House.

Tom Brake: At the risk of giving the Minister some satisfaction, having listened to wiser counsel, and because of the wider implications of amendment No. 112, I suggest that although we can perhaps return to it in the context of a range of offences, we do not intend to press it to a Division tonight.

Mr. McNulty: I am grateful.

Amendment agreed to.

Amendment made: No. 9, page 20, line 40, leave out subsection (7).—*[Mr. McNulty.]*

Clause 65

CERTIFICATE REQUIRING INQUEST TO BE HELD WITHOUT A JURY: ENGLAND AND WALES

Mr. Dismore: I beg to move amendment No. 1, page 45, line 12, leave out clause 65.

Madam Deputy Speaker: With this it will be convenient to discuss the following: amendment No. 33, page 45, line 23, leave out subsections (b) and (c).

Amendment No. 2, page 46, line 21, leave out clause 66.

Amendment No. 35, clause 66, page 46, line 34 , leave out subsections (b) and (c).

Amendment No. 3, page 47, line 30, leave out clause 67.

Amendment No. 119, clause 67, page 47, line 35 , leave out 'Secretary of State' and insert

'Lord Chief Justice of England and Wales or the nominated senior judge'.

Amendment No. 37, page 47, line 36, at end insert

'provided that such a person has been specifically approved for the purpose by the Lord Chief Justice of England and Wales.'.

Government amendment No. 70, page 47, leave out lines 37 to 40 and insert—

'( ) The Secretary of State must establish and maintain a list of coroners eligible to be appointed under this section ("the approved list").

( ) A coroner may be included on the approved list only with the agreement of the Lord Chief Justice of England and Wales or the nominated senior judge.

( ) A person may be appointed under this section only if—

(a) the person is—

(i) a coroner on the approved list,

(ii) a puisne judge of the High Court in England and Wales, or

(iii) a circuit judge, and

(b) the Lord Chief Justice of England and Wales or the nominated senior judge agrees to the person's appointment.'.

Amendment (a) to the proposed amendment, line 1, leave out 'Secretary of State' and insert

'Lord Chief Justice of England and Wales or the nominated senior judge'.

Amendment (b) to the proposed amendment, leave out the second proposed subsection.

Amendment (c) to the proposed amendment, in paragraph (b) of the final proposed subsection, leave out

'Lord Chief Justice of England and Wales or the nominated senior judge'

and insert 'the Secretary of State'.

Government amendment No. 71.

Amendment No. 120, page 48, line 32, at end insert—

'( ) must hold the inquest in the same district,'.

Amendment No. 121, page 48, line 40, leave out 'Secretary of State' and insert

'Lord Chief Justice of England and Wales or the nominated senior judge'.

Amendment No. 38, page 48, line 46, leave out from 'to' to end of line 47 and insert 'the affirmative resolution procedure.'.

Amendment No. 39, page 49, line 1, after 'may', insert

', with the prior consent of the Lord Chief Justice of England and Wales,'.

[Madam Deputy Speaker]

Amendment No. 122, page 49, line 8, leave out 'Secretary of State' and insert

'Lord Chief Justice of England & Wales or the nominated senior judge'.

Amendment No. 40, page 49, line 8, after 'may', insert

', with the prior consent of the Lord Chief Justice of England and Wales,'.

Government amendments Nos. 72 to 74.

Amendment No. 10, page 50, line 4, leave out clause 69.

Mr. Dismore: The amendments all refer to part 6 and the provisions on inquests and inquiries. This is the first chance that we have had to debate these matters on the Floor of the House. Part 6 was tacked on to the Bill very late, and the first observation to make is that although the Bill deals with terrorism, the provisions in relation to inquests go way beyond mere terrorist cases—they are much broader than that.

My amendments Nos. 1, 2 and 3, which are tabled to give effect to recommendations of the Joint Committee on Human Rights, effectively delete the operative parts of part 6. Our argument is that those should be incorporated in the forthcoming coroners Bill and dealt with as part of the general reform of coronial law.

Article 2 of the convention imposes a positive obligation on the state to provide an adequate and effective investigation when an individual is killed as a result of the use of force, particularly where the death is the result of the use of force by state agents. The person conducting the investigation must be independent from those implicated in the events, and there must be a sufficient element of public scrutiny to secure accountability in practice as well as in theory. The inquest must involve the next of kin to the extent necessary to protect their legitimate interests.

The Bill provides a new procedure. The Home Secretary will be able to issue a certificate stating that the inquest should be dealt with rather differently, without a jury and with a special coroner if it is in the interest of national security or the interest of the relationship between the UK and another country, or otherwise in the public interest. Those are very broad exceptions indeed, going way beyond the issue of terrorism, as I said—and with no jury, but a specially appointed coroner.

The Government are tabling their own amendments to tweak details of the appointment of the coroner, but in practice they are a fig leaf. The Lord Chief Justice or another senior judge will approve the appointment of the people on the list prepared by the Secretary of State for Justice and the appointment of the individual coroner in a particular case, but will not deal with the key question whether it is appropriate to hold a special inquest in the first place. The Government say that that is an Executive function because the Secretary of State is privy to sensitive information and the overall intelligence picture, which the Lord Chief Justice is not, but there is no reason why he could not be in any individual case.

The Government's response to our various reports and recommendations on the matter are, first—and this I find the most bizarre argument—that they will facilitate an independent inquest. Far from it. They say that they will allow an independent finder of fact to see all the material, that the office of coroner is an independent judicial office, that it would be incompatible if material central to the case were not considered, and that the investigation would have to proceed but could not if material could not be disclosed in open court.

First, if all that were true, which I do not think is the case, does it amount to a counsel of perfection? Secondly, the obligation is to provide an adequate and effective investigation and all those factors necessary for it. The proposals will not give closure to relatives; not give the public confidence that any lessons have been learned; not provide an adequate and effective investigation or the element of independence; not provide for public scrutiny; and not involve the next of kin—the four elements required by article 2, which I mentioned earlier. The Government's proposals allegedly comply with the requirements of article 2, but they do exactly the opposite. They comply with article 2 not by a jot or tittle.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Is my hon. Friend aware that when Nicholas Blake produced a report given to the Government on the deaths at Deepcut barracks, he said that the families of the soldiers who had died should find their answers through the inquest system because the Government said that there should not be a public inquiry. Does my hon. Friend agree that under these provisions the families would never have found any answer to the deaths of their loved ones?

Mr. Dismore: My hon. Friend makes an important point. The real question is whether the Deepcut cases would have ended up with a special inquest. If the Government resisted a public inquiry, one can only assume that they would probably have resisted an open inquest as well. She is right: in those circumstances, the families would have no closure and no knowledge of what had happened.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): A further problem that would be faced by the families is that a coroner might, on the basis of closed material, return a verdict of unlawful killing. No prosecution could arise from that verdict of unlawful killing because the information that was crucial to that finding would not be available to the court. That illustrates the oddity of proceeding with these provisions before the issue of intercept evidence in court has been resolved in the way that the Judicial Committee of the Privy Council has recommended.

Mr. Dismore: The right hon. Gentleman makes an important point. I agree.

What is proposed in part 6 is no more and no less than a system of secret inquests for exactly the sort of cases that should be held in the open, where the state is potentially implicated. Independence is essential in such circumstances, and a Secretary of State-appointed coroner, even with the fig leaf of the Lord Chief Justice or other official, would have no hope whatsoever of satisfying that independent test.

Mr. Hogg: What makes matters worse, in a sense, is that the originating certificate is issued by the Secretary of State, who may very well have a departmental interest in not holding a public inquest.

Mr. Dismore: The right hon. and learned Gentleman is entirely right. That goes to the heart of the question of independence, particularly if the Ministry of Justice is involved, the Secretary of State appoints the coroner and the case happens to involve a death in custody, or if the Home Secretary is the Secretary of State involved, and the case involves a shooting by the police, as in the de Menezes case, for example. One can think of a raft of examples in which, on the face of it, the Secretary of State may to a greater or lesser degree be implicated. It is not just a question of whether they are implicated; it is a question of justice being seen to be done, and if there is even a suspicion of implication, that undermines the whole concept of independence in the provisions.

8 pm

Jeremy Corbyn (Islington, North) (Lab): I compliment my hon. Friend on his speech. In his capacity as Chair of the Joint Committee on Human Rights, is he aware of any current procedure that allows an inquest to be held in camera, or allows denial of evidence to be made public, or anything remotely similar to what we have at the present time? Does he know of any other European countries that adopt the system proposed in the Bill?

Mr. Dismore: On my hon. Friend's first question, public interest immunity certificates can be used, and I will refer to them shortly. I cannot help him with regard to the European experience, but bearing in mind all the arguments that we have had on the Bill about international comparisons generally, I prefer not to go down that route. If he has such knowledge, I will be happy to hear from him.

Mr. Grieve: The hon. Gentleman touched on an important point, which is the lack of clarity in respect of who the Secretary of State is. One might have expected that if this was a judicial process, it would be confined to the role of the Lord Chancellor, even though I agree with the hon. Gentleman that there are problems there because the Lord Chancellor is also the Secretary of State for Justice and in charge of prisons, so there can be a conflict of interest. But the Bill, as it stands and even as amended by the Government's proposals, does not specify that it has to be the Lord Chancellor and Secretary of State for Justice at all, which for me raises even greater anxiety about the fact that there seems to be a mixing of administrative and judicial process.

Mr. Dismore: The hon. and learned Gentleman is entirely right. That is why I gave two different examples. My understanding, based on what I have read and not on what is in the Bill, is that the list will be maintained by the Secretary of State for Justice. The hon. and learned Gentleman is right that it is not in the Bill, but it should be, if we are to go down this route. I hope that it will not be because I hope that the House will agree to my amendments to take all this out. But if it is not the Secretary of State for Justice, one can only assume that it will be the Home Secretary and, in those circumstances a whole raft of other possible conflicts of interest and therefore lack of independence potentially arise.

Mr. Henry Bellingham (North-West Norfolk) (Con): The hon. Gentleman mentioned public immunity certificates in his response to the intervention of the hon. Member for Islington, North (Jeremy Corbyn), but am I right in saying that rule 17 of the coroners' rules 1984 enable a coroner to direct that the public can be excluded from an inquest or any part of an inquest if he considers that it will be in the interests of national security? If that is the case, what we are debating as part of the Bill is completely unnecessary and totally over the top.

Mr. Dismore: I thank the hon. Gentleman for that intervention. He is right, and it is a point that I intended to make later, but I am happy to have it made now.

The next comparison to make here is with criminal cases. We have criminal cases prosecuted before a jury and we have criminal cases prosecuted before a judge—not a specially selected jury and not a specially selected judge, but as part of the ordinary criminal process. In those cases, the Secretary of State cannot pick and choose his jury and cannot pick and choose his judge, even if they are dealing with sensitive security matters. All the terrorist trials that we have seen in the last several years have been conducted through the ordinary criminal courts, so why do we need a separate process for something that is rather less than a criminal trial—the inquest system?

We must remember that a criminal trial in a homicide case is, in effect, a substitute for the inquest anyway. An inquest will not normally follow a criminal prosecution for a homicide offence. The Minister may well say that in a criminal trial the prosecution always has the option not to proceed with a trial and it does not have that option in the inquest sphere, but I find it difficult to believe that we will find a case involving a terrorist that is not prosecuted because it is for the convenience of the Secretary of State to keep matters private.

What sort of cases are we dealing with? The European Court has looked at some of these. In the Mubarek case, Lord Bingham summarised the purposes of an inquest as follows:

> "The purposes of such an investigation are clear: to ensure as far as possible that the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of deliberate wrongdoing (if unjustified) is allayed; that dangerous practices and procedures are rectified; and that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others."

This process does not provide any of that. The point that I would particularly emphasise is that this is not a counsel of perfection. Lord Bingham summarises it quite accurately by saying

> "to ensure as far as possible".

Mr. Grieve: My understanding—it may be the hon. Gentleman's—is that the reason why the Government suddenly came forward with these proposals was a problem encountered in one particular case, which interestingly enough is not terrorist related. Does he agree that the oddity is that the anxiety that the full facts should emerge in that one particular case, which is given as the justification for the change, seems in a way to be completely counterbalanced by the fact that even if the facts emerge correctly in that case and in the way that Government intend through this process, there will not be the transparency that will enable the verdict to be accepted?

Mr. Dismore: The hon. and learned Gentleman is right. I was going to refer to the fact that I understood that this was all triggered by one case in which the

[Mr. Dismore]

inquest has been stalled. So we run the risk of creating this whole part of the Act, and this whole new superstructure, for one case. That one case is clearly very distressing for the family concerned because of the fact that they do not know what happened to their loved one, but this is a matter of convenience. As the hon. and learned Gentleman says, supposing that that one inquest is then allowed to complete, the family will still not know what has happened to their loved one. They still will not know whether the lessons have been learned. They still will not have closure on the case, so it achieves very little for those people anyway. It makes far more sense not to legislate in haste, but to look at this as part of the overall comprehensive review of the coroners Bill, which we know is coming in the next Session.

That family may have to wait an extra year—an extra year of distress. I know what it is like because, when I was in practice, I dealt with dozens of fatal cases, and every one is special to the family concerned, but every one of those families wants to have closure in one way or another, and this process will not deliver that.

What sort of cases are we talking about? Deaths in custody, such as the Mubarek case, perhaps, or the de Menezes case, the shooting at Stockwell tube station. That inquest has been adjourned and is due to reopen later this year. If the Bill goes through, will the Secretary of State issue a certificate in relation to that case before the inquest resumes, because the process can be triggered in relation to an already opened inquest—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am sure that the hon. Gentleman is well aware of the sub judice rules. He should be careful what he mentions at this stage.

Mr. Dismore: I take your constraints, Mr. Deputy Speaker. I simply say that the inquest is due to reopen later this year and that people can draw their own conclusions.

This process could, for example, apply to the Deepcut barracks case that was referred to earlier, or the death of the service people in Iraq, all potentially an embarrassment to the Government and the Ministry of Defence, as we have seen from some of the inquest verdicts so far. They are precisely the sort of cases that should not be subject to this process, which should have the transparency required by article 2 and not be swept into the secret inquest process being proposed by the Government through part 6.

Mr. Heath: I agree with the hon. Gentleman that these are exactly the cases that should be given publicity. Even if one were to accept the premise that there are circumstances in which evidence could not be put before an inquest on the grounds of national security, has his Committee considered any possible reasonable interpretation of the other provisions that an inquest should be held in secret because of the interests of the relationship between the United Kingdom and another country, or this vague term

"otherwise in the public interest"?

Are we in the business of not holding inquests in order to save embarrassment to foreign princes?

Mr. Dismore: The hon. Gentleman makes an important point. We have very interesting relations with Saudi Arabia, as we all know. Let us suppose that somebody died in Saudi Arabia in circumstances that might be embarrassing to the regime. Let us suppose that someone was even executed by that regime. In the end it could be very embarrassing indeed, and therefore we would have the inquest in secret.

We know that the jury will be excluded from special trials, and the implication is that the family will also be excluded and will not know what is going on. Are the family seriously expected to take the specially appointed coroner's word for what happened to their loved one, which would extend only to what the specially appointed coroner could tell them? It is difficult enough for families to accept verdicts under the existing open system, given the number of challenges to coroners' verdicts, and it will be more difficult under this process.

Mr. Hogg: The hon. Gentleman has made an important point, namely that the family will have great difficulty in accepting the verdict of the specially appointed coroner. That difficulty will be aggravated by the fact that the specially appointed coroner will be appointed by the Secretary of State, who may have a departmental interest in the matter. In other words, the public may see the specially appointed coroner as the Secretary of State's man.

Mr. Dismore: The right hon. and learned Gentleman has made his point, and I do not disagree with it.

Juries are an essential part of the process. They are used in about 2 per cent. of inquest cases, which are the contentious ones—deaths at the hands of the police, deaths in custody, deaths in prison, health and safety cases and other matters to which I have referred. The situation is crazy, because the implementation of the process is unnecessary. Public interest immunity certificates apply to inquests, so, as has been said, the Government could persuade the coroner to withhold sensitive material or to exclude the public.

The use of PII certificates has been upheld in two cases against the United Kingdom, so it has been found that such restrictions are compatible in principle. In the case of Jordan *v.* UK, a father alleged that his unarmed son was shot and killed unjustifiably by a Royal Ulster Constabulary officer. When the European Court rejected a complaint about the frequent resort to PII certificates to prevent the disclosure of certain documents on the grounds of national security, it stated that

"the Court finds no indication that these certificates have prevented examination of any circumstances relevant to the death of Pearse Jordan."

The best example is McCann *v.* UK—the death on the Rock case. The families of the three suspects shot dead by the SAS on Gibraltar alleged a breach of article 2 of the ECHR because of the use of PII certificates by the Government. If that incident had happened under the process in the Bill, it would be a prime candidate for the secret inquest process. At the time, the ordinary inquest process was used including PII certificates. Again, the Court rejected the complaint that the inquest had been an inadequate investigation, stating that

"it is not necessary in the present case for the Court to decide what form such an investigation should take and under what conditions it should be conducted, since public inquest proceedings,

at which the applicants were legally represented...did in fact take place. Moreover, the proceedings...involved a detailed review of the events surrounding the killings...the lawyers acting on behalf of the applicants were able to examine and cross-examine key witnesses...and make the submissions they wished...The Court does not consider that the alleged various shortcomings in the inquest proceedings...substantially hampered the carrying out of a thorough, impartial and careful examination of the circumstances surrounding the killings."

A council of perfection is unnecessary; returning to the original test, what is important is that the inquest is held adequately. An inquest does not have to consider 100 per cent. of the evidence, because its purpose is to establish the cause of death, and the matters that I have mentioned would not be met by those arrangements.

Mr. Bellingham: The hon. Gentleman is making a compelling case against the Government. Does he agree that his remarks reinforce the point that the Government should withdraw the provision and await the publication of the coroners Bill, which will come before the House in the next Session? It makes more sense to take a long hard look at the situation, rather than rushing through a provision in this Bill.

Mr. Dismore: That is my next point. Amendments Nos. 1 to 3 would ditch this part of the Bill, and I hope that the Government accept them. If we were to review the process in its entirety, we could examine PII certificates, the exclusion of the public and the role of the coroner in excluding evidence—we could even consider security-vetting juries. There is a series of other options that would enable an inquest to be held in public without going through the rigmarole of a secret inquest. The fact remains that the provision has nothing to do with terrorism; it concerns a secret system for investigating deaths that might be embarrassing for the Government, and that system cannot be allowed to stand. The measure is far too broad for inclusion in the Counter-Terrorism Bill, and it should wait for the publication of the coroners Bill. The situation will be difficult for the one family whose inquest has been stalled, but we should not legislate in haste to solve one case's problems. Let us be sensible and throw out the provision.

8.15 pm

Mr. Grieve: I rise to support amendment No. 1, which is necessary and essential to preserve the integrity of the coroners' courts system.

Uncharacteristically, I have a measure of sympathy for the Government, which I shall explain before I discuss why they have taken completely the wrong turn. I accept that the distinction between a coroner's court and a criminal trial is that one involves an adversarial system from which the state can always withdraw itself, if it is so minded, whereas the coroner's court involves an inquisitorial system designed to answer a certain number of questions. A coroner's court does not include the option of not having an inquest.

In the light of the recent case where the inquest has been halted because the Government want to use intelligence material that is available to the police to present their case, I see that the Government have a problem. Some have imputed sinister motives to the Government given the way in which they introduced the provision, but I do not share that view. Faced with a particular issue—this is usual in bureaucracies—the Government have tried to find a solution, but they have failed to see the wood for the trees.

The Government have come up with a system that would immediately appeal to any Administration, because it seems to resolve the problem in a simple manner, but actually it will not meet the interests of justice. Leaving aside the way in which coroners are appointed—I will return to that issue, because the Government have made some sensible concessions, although they have not done enough to attract my support for the measure in its totality—the Government say that coroners need to use intelligence material in order to obtain a full understanding of the background circumstances to an individual's death. They want to appoint a safe pair of hands, because that person will have passed all the necessary tests to handle such information and will come up with a fair conclusion based on the intelligence material and other facts.

As the hon. Member for Hendon (Mr. Dismore) has said, the difficulty is that such a verdict would be incomprehensible to the people most directly concerned. Such people would not have any faith in the verdict, because many of the building blocks on which it was made would have been kept secret from them. That is the issue with which the Government have to grapple. There will be the element of secrecy, and those secrets will be imparted to only one individual, however worthy and well appointed. Even with the Government's safeguards on the manner of the appointment of the special coroners, absolutely nobody will be persuaded that there has been a fair process.

Having listened to what the Government said in Committee and, I might add, having had a briefing by Home Office and Ministry of Justice officials about the matter, I was in some ways quite sympathetic to the problem that the Government were facing. However, the more I reflected on the issue afterwards, the more convinced I became that I preferred a flawed and imperfect coroner system that was open over one brought in for these exceptional cases that turned out to be unacceptable to the people whom—in part, at least—it was intended to benefit; I am thinking of the relatives and others. Furthermore, such a system plainly would not provide public reassurance.

Mr. Bellingham: Obviously, my hon. and learned Friend's discussions with Home Office and Ministry of Justice officials would have been totally off the record. However, did they give him any indication on why existing procedures and the existing situation were not sufficient to achieve the Government's ends? That is what I find unfathomable.

Mr. Grieve: The Minister may be able to amplify the position when he responds. I was left with a twofold impression. I hope that it is not unreasonable; the Minister will correct me if I am wrong. The first aspect was that a case had come to light—it had nothing to do with terrorism, I might add—in which there was a difficulty from the point of view of the state in having the inquest conducted; I emphasise that it was the state's difficulty. In such circumstances, it would suit the state and the police if material likely to help explain the circumstances of a death could not be submitted—because it was intelligence-derived and would cause difficulties.

[Mr. Grieve]

Coupled with that was the fact that, given the problems in the context of terrorism and terrorist-related deaths, or other deaths, I detected that the Government saw a problem in trying to deal with that particular area, that that problem might grow in future, and that the problem was more germane to terrorism.

Mr. Beith: Also, any consequent legal proceedings—whether judicial review of the coroner's decision or an attempt to mount a prosecution or civil action arising from the coroner's verdict—would not have access to the evidence. Would not proceeding with the clauses before we have finished assessing whether we can use intercept evidence in court not make things even more absurd?

Mr. Grieve: The right hon. Gentleman pre-empts me; he is absolutely right. What he says must be the case. The provision would solve the Government's problem in that they would end up with a verdict with which they were satisfied. The coroner would say, for example, "I am wholly satisfied that the police were justified in shooting this person. These were the facts and circumstances and in addition material that helps me to come to that conclusion has been given to me." However, it would do absolutely nothing to enable relatives to challenge that decision or bring civil proceedings. The other interesting consequence is that if the verdicts seem to suggest that a criminal offence has been committed, that may in many cases be impossible to prosecute because the intelligence material would not be admissible.

Mr. Hogg: My hon. and learned Friend is making a point about the public acceptability of inquest decisions. He will have in mind the decision of Lord Justice Scott Baker that there should be a jury-based inquest into the death of Princess Diana. The reason was that, otherwise, the conspiracy theories would not be dispersed. The decision to have a jury in that inquest is the clearest possible evidence of the need to retain jury-based inquests in matters of public sensitivity.

Mr. Grieve: I agree entirely with my right hon. and learned Friend. I hope that he will forgive me; in developing my arguments I have tried to treat the two issues separately. I was moving on to the question of the jury. Even if one accepted that in some circumstances we should dispense with the jury—although it is normal to empanel a jury for consideration of controversial deaths—and even if one accepted the notion that an individual should come to the decisions, the burden to be placed on that individual would make his job intolerable in respect of commanding any public acceptance. He would be explaining decisions in a partial fashion, but they would not stand on their own, precisely because, as the right hon. Member for Berwick-upon-Tweed (Mr. Beith) said, other consequences might flow from it and make it even more profoundly unsatisfactory.

Mr. Heath: That task would be made impossible if there were a process of certification through the Secretary of State, rather than through an application to the court, and if the specific coroner had been selected by the Secretary of State. Even under the newly improved appointment process, it cannot be right that a Secretary of State should decide who would be the most appropriate coroner to hear a case in which that Secretary of State had an interest.

Mr. Grieve: I agree entirely with the hon. Gentleman; we come back to the rather administrative way in which the whole thing seems to have been put together. Reading the original proposals, one sees that this was an administrative process, with the Minister wholly controlling it—the choice of the coroner, the selection of the special coroner and the special certification—without any intervention by the judiciary.

Perhaps we can go back over the history of how coroners' courts have always been distinct from other courts in our country. However, if there is a way forward for coroners' courts, I am absolutely sure that it is to bring them into the mainstream of our court system. I say that irrespective of these proposals. To move down a road that starts on the premise that we will put into operation a series of measures that appear to exclude the judiciary almost entirely—except that some of the decisions could be judicially reviewed—would be completely wrong.

In fairness to the Government, I should say that, having been lambasted in Committee on the issue, they have attempted to start to try to restore the situation. I am the first to accept that there have been improvements to the Bill and these measures as a result, particularly in involving the role of the judiciary and the Lord Chief Justice more fully in approving the special coroners and in changing some elements of how the process would operate.

For all that, we are merely tinkering at the edges of the problem. The longer this debate has gone on and the more I have thought about it, the more convinced I have become that the Government have simply taken a completely wrong turning. If this debate fulfils a purpose I hope that it is to persuade the Government that we are not ranked up against them to try to give them a hard time on these proposals—leaving to one side what will happen to the provisions in the other place, which may well find itself not very happy—but we genuinely think that if they go ahead and succeed in putting them on the statute book they will be an albatross around their neck and that of any successor Government. My gut reaction is that the process will constantly be thrown back in their face by people saying, "We have here a system which is unworkable and doesn't command public confidence."

Mr. Adam Ingram (East Kilbride, Strathaven and Lesmahagow) (Lab): May I ask the hon. and learned Gentleman to reflect on a point that relates to the Scottish element of this matter? This relates to national security and the way in which intercept and intelligence material could be presented to a particular court, in this case a coroner's court. The Bill is strangely silent on the parallel process in Scotland. There seem to be no provisions relating to the fatal accident inquiry in Scotland. I suppose that part of the reason for that rests with the minority Administration who now reside in Holyrood. They have ducked this issue as well and kicked their review of the fatal accident inquiry off into some time in the far distant future. That may add grist to the hon. and learned Gentleman's mill, and I ask him to take it on board.

8.30 pm

Mr. Grieve: I very much take it on board. I hope that the Minister will provide an explanation of how the Government are approaching that. The situation is partly helped by the fact that Scotland has its own legal system, so mercifully, perhaps, we are not capable of interfering with it, or at least not interfering with it quite as radically as the Government might wish if they had the opportunity. This is a seriously flawed procedure.

Moving on to the issue raised by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), the jury system exists in coroners' cases to give public confidence, and it works well. I have done jury cases in coroners' courts, and in my experience juries are capable of taking in the evidence and giving verdicts that accord with the evidence. Indeed, the Diana, Princess of Wales inquest was a model of its kind. Although it was carried out in the most difficult circumstances, and was very costly, it appears to have commanded widespread public acceptance. A Lord Justice of Appeal was brought in because that expertise was required. All that was possible under the existing coroner system.

What is the point of suddenly dispensing with juries? As the hon. Member for Hendon said, it is possible to have specially vetted juries, to have public interest immunity certificates, and to treat these processes as ordinary hearings. I very much agreed with his point about the requirement laid down by the European Court of Human Rights, which is highly relevant—that is, to do one's best in carrying out such inquiries, not to try to cross insurmountable obstacles. There is a considerable degree of understanding that there may be problems that make the evidence being presented to inquests inadmissible and one must do one's best, in a human and fallible world, to come up with the best answers.

If we could get intercept evidence admitted in cases more generally, which we have frequently argued about, I have little doubt that we might start moving in the right direction on inquests just as on any other kind of trial. However, to try to create a short cut—with the best of motives, I am sure—is a mistaken road, and these proposals are not capable of being salvaged by anything that the Government can offer. We are expecting a coroners Bill. If we had a delay of a year while we went away and thought about what needs to be done and the Government came forward with other ideas and proposals in the context of their planned reforms to the coroner system generally, that would be a sensible approach. Legislating quickly and repenting at leisure is a big mistake.

I will listen with great care to what the Minister says. I have no animosity towards the Government on this issue. I can see that they have a real problem, but the answer that they have come up with is profoundly and fundamentally wrong. This House has a major responsibility in upholding confidence in the law and the rule of law and in ensuring that deaths are properly investigated, particularly where there are issues of sensitivity surrounding possible state intervention, and it should not have anything to do with a set of proposals that will ultimately bring the Government into disrepute.

Mrs. Humble: I listened with great care to my hon. Friend the Member for Hendon (Mr. Dismore), who made persuasive and cogent arguments on this important issue. He started by explaining the purpose of an inquest and asked what the purpose is of finding out the facts about a death if the circumstances are then to be kept hidden. The Government need to explain that key point in moving ahead with these provisions.

On Second Reading, I made the point that such issues should be debated when considering the coroners Bill. Since then, I have had the opportunity to examine the Committee reports regarding these provisions. In Committee, the Minister explained that he wanted to look at one particular case, and he feels that the provisions are the way to deal with it. We of course cannot know what that case is, but I do not question the fact that the Government want a way out of a problem, and are moving to solve it.

One of the issues that the Government must face is that most of the families affected by coroners' inquests will be asking who else will be included in the remit of these provisions. Will loved ones be a part of it, or will they, too, fail to get the clarity and answers that they require? As has been said, many families who lose loved ones and attend a coroner's inquest know that they will not get all the answers, but at least they will have an opportunity to hear the evidence, and the coroner can then make some determination, even if it is an open verdict or a verdict of death by misadventure. If they are not there, they do not even have that small solace.

I would like my right hon. Friend the Minister to address the issue from the family's point of view. If it is decided that a coroner's court will meet without a jury in special circumstances, what information can be given to the families so that they have details of what has happened? I mentioned the Deepcut deaths. I chair the all-party group on Army deaths and I have met the Deepcut and Beyond families. We have had coroners' inquests under article 2 procedures with juries, and families have learned so much more from them. Even if they do not get a final answer, at least they are getting some answers. Recently, we had the second inquest into the death of Private James Collinson, and after that the families at least felt that their concerns had been listened to, which is what they want. Sir Nicholas Blake, in his report for the Government on the Deepcut deaths, saw coroners' inquests as the way forward for those families and others. How can the Minister take forward families' heartfelt wish for clarity and for closure, if they can find it? Will they be entirely excluded from the procedure or, in certain circumstances and with caveats, will information be released to them to satisfy their needs?

When it comes to Army deaths, I wonder how the boards of inquiry, and the fatal accident inquiries in Scotland, will link with secret coroners' courts. The Army is increasingly involving families in boards of inquiry, sending them transcripts so that they have some idea of what happened in that internal inquiry. If an Army death is to be the subject of a secret inquiry, how will the BOI process link with that?

Mr. Ingram: I appreciate my hon. Friend's great knowledge and her involvement in the issue, but I must correct her on one point; fatal accident inquiries in Scotland do not need to inquire into deaths abroad—in fact, they are precluded from doing so. There needs to be a change in the law in Scotland to deal with the point that she raises, but that is being ducked by the current Administration in Scotland.

Mrs. Humble: I thank my right hon. Friend for that. I do not pretend to understand English law, let alone Scottish law. I am a non-lawyer. However, many of the deaths looked into by the families involved in the Deepcut and Beyond campaign happened in this country in peacetime. I doubt very much whether those deaths would fall within the remit of clause 65, but the problem is that we do not know, because it is drawn so widely. I therefore seek reassurances from my right hon. Friend the Minister that he will address the needs of those families.

Mark Durkan: Is not the point that my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram) made, about the possible anomaly created by the law that the Bill would introduce and the situation in Scotland, an argument for the withdrawal of the relevant provisions, so that everything can be considered properly in the context of the coroners Bill?

Mrs. Humble: My hon. Friend makes an interesting point. On Second Reading, I argued for the withdrawal of the relevant provisions. However, I have read what was said in Committee and I hear what the Minister said about a special case that needs to be addressed in a special way.

I will accept what the Minister said, but if the Government are not going to withdraw clause 65, they need to consider what will happen when the coroners Bill finally comes before the House. We could be here debating the issue again in a year's time. The Government will be looking into the wider parameters of the coroners Bill, because there are many problems with the coroners system and huge delays. Indeed, I know of a peacetime death in barracks in this country that happened five years ago next month that has still not been the subject of a coroner's report. Things therefore have to move on.

Can the Minister give me any assurances that when the coroners Bill comes before the House, we will have an opportunity to engage with the issue again? What we are debating today will have consequences for the coroners Bill. If the Government do not withdraw clause 65, there will be an opportunity over the next few months to learn the lessons of this special case and see how it could be better addressed in a wider review and restructuring of the coroners system.

Finally, paradoxically, many families involved in Army deaths want special coroners, but they do not want them in the circumstances that we are discussing. I have spoken to individuals in the Royal British Legion and to the families involved in the Deepcut and Beyond campaign. They admire the work done on Army deaths by the Oxfordshire and Wiltshire coroners, who have built up a huge amount of expertise. If we are going to have special coroners, they should bring expertise and particular skills to a situation, not secrecy.

I therefore welcome the Government's amendments to introduce a role for the Lord Chief Justice, but there are still too many questions unanswered. I read what my right hon. Friend the Minister said in Committee, but he needs to give a lot of reassurances about the breadth of the provisions that we are debating, particularly to the bereaved families who want answers, and about how we can take the matter forward when we debate the coroners Bill.

David Howarth: It is a great pleasure to follow the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble), who made a number of very important points. On this issue, it is also a pleasure and honour to follow both the hon. Member for Hendon (Mr. Dismore) and the hon. and learned Member for Beaconsfield (Mr. Grieve), who made devastating cases against part 6, which manages to be simultaneously repugnant, unnecessary, ineffective and premature.

8.45 pm

Part 6 is repugnant because it violates the principle of the separation of the powers. It is unnecessary because the means for effecting most of its ends—public interest immunity and the power of the coroner—already exist to allow the public to be excluded on grounds of national security. It is ineffective because, as the hon. Members for Blackpool, North and Fleetwood and for Hendon and the hon. and learned Member for Beaconsfield have already demonstrated, this system will not bring about closure for the relatives, who will not know the basis on which the decision has been made. From their point of view, the uncertainties will continue. It is premature because it is wrong to decide these issues before we know the full structure of the coronial system that the coroners Bill will set up and before we know the final resolution of the issue over the admissibility of intercept evidence in all forms of procedure.

I accept what the hon. and learned Member for Beaconsfield said—that the origins of these clauses may not have been badly motivated. There is a case—we do not know the details, but we know the outline—for saying that there have been blockages because of how the present system works, but that does not justify where the Government have ended up, because they have ended up with a system that grants extraordinary powers to the Secretaries of State.

I also accept what the hon. and learned Member for Beaconsfield said about coroners being different and about the system being one of investigation rather than an adversarial conflict between two sides in court. That means that the state, in the form of the prosecution service, does not have the power to withdraw a case. Nevertheless, the issue of the relationship between the investigatory arm of the state in general and the Government is raised here.

Jeremy Corbyn: The hon. Gentleman must be aware that under clause 65 the Government in power would be able to intervene during a case and suspend the jury; indeed, they could suspend the whole investigation, which I would have thought set an extremely dangerous precedent in any circumstances.

David Howarth: It is extraordinarily dangerous. I know of only one other provision that allows the Government to interfere in some way—although this has been disputed—with an investigation in progress. This is the superintendence power of the Attorney-General over the director of the Serious Fraud Office in respect of its investigations, which was notoriously used in the BAE case. That is the only other example that I know of. These issues are up for grabs in the draft Constitutional Renewal Bill. Why the Government are bringing forward

yet another example of something that even they admit in that Bill, which proposes reform, to be wrong seems to me quite extraordinary.

The hon. Member for Hendon pointed out that only 2 per cent. of inquests end up before a jury, but that 2 per cent. is the crucial 2 per cent.—the 2 per cent. that consider deaths at the hands of agents of the state. At times in the debate, the Government's response to those of us who are deeply troubled by what they are doing has been to say that worrying about it reveals one to be a paranoid conspiracy theorist or an obsessive. It seems to me that that is not the case at all; it is perfectly reasonable to be worried—*[Interruption.]* The Minister chunters that no one said that, but when I read the Committee report, I thought that his treatment of the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) was of exactly that nature.

It seems to me that we have examples before us that we should all worry about. The hon. Member for Hendon mentioned one of them, and we need to be careful about mentioning matters that are sub judice. It is clear, however, that mistakes are made by agents of the state—perhaps more than mistakes on occasion. There is always a temptation for the state to cover up its own mistakes.

Much has been made of the crucial issue of public confidence. It is important that the public have confidence in the investigative system and public authorities, but more is at stake. The jury and the coronial system are a counterweight—a deterrent—to the temptation to abuse power in the first place. That is why the Government's proposal is fundamentally wrong.

The Government's proposal is breathtaking in removing the jury from the case merely through a certificate of the Secretary of State—that point has been raised only peripherally so far, but is crucial to understanding why the proposal should be resisted. The basis of national security, relations with a foreign power and public interest is enormously broad—in particular, relations with a foreign power and being generally in the public interest seem to leave virtually nothing that could not be used to justify exclusion.

Mr. Hogg: To build on the hon. Gentleman's comments, is there not an important general principle that it is surely offensive, to law and probably to the European convention, to allow an interested party—the Secretary of State—to decide the forum and the means by which that person's liabilities could fall to be determined?

David Howarth: That is a very important point. For example, in a case of a death in custody, if the Secretary of State for Justice, who is responsible for the prison system, were to exercise such powers, he would in effect be a judge in his own cause. We do not need the Human Rights Act to be worried about that; a fundamental principle of the common law is at stake. The Secretary of State is not independent.

The hon. Member for Hendon was right to say that these provisions have nothing inherently to do with terrorism. They include any case of the kind just mentioned. The provision that the simple certificate of the Secretary of State is enough to decide that the jury should no longer sit is almost arrogant in its brutality. On that model of thinking, the Government decide the public interest, and nobody else need apply. If it were a matter of national security, one could understand why that might be the case. However, the provision applies not only to matters of national security but to relations with a foreign state and anything else that might be in the public interest.

As the Government want to resolve the problem—as the hon. and learned Member for Beaconsfield said, it is a serious problem—they need to do so in such a way that the Executive do not just decide the matter for themselves. They should need to apply to an independent court in some way, so that the decision could be challenged and the relatives could appear before the court and say, "No, there ought to be a jury." The Government ought to have to persuade somebody that there is some necessity for such action. The Government's current proposal requires them to persuade nobody. All it requires is the Government to decide for themselves that it would be convenient for them not to have a jury. That is only half the proposal; the other half concerns the special coroner. There is a Government amendment on the subject, but, as other Members have said, it is a fig leaf. It is not sufficient.

It was originally proposed that the coroner should be hand-picked by the Secretary of State. That represents an amazing violation of the separation of powers, and an astonishing violation of constitutional principle. A politician deciding which judicial officer should be responsible for an individual case? I cannot think of a worse violation of principle. It is a rule that would delight Robert Mugabe, and would probably get him into trouble. It is also the most dangerous of dangerous principles, subverting a basic rule of the constitution and a basic principle of the rule of law.

The Government amendment brings the Lord Chief Justice into the picture. It suggests that there should be an approved list of possible special coroners, and that the Lord Chief Justice must agree to any name included in the list. It also allows the Lord Chief Justice a veto when a particular person is chosen, but that is not enough. The right of initiative, throughout the system, still rests with the Secretary of State. Although people can be blackballed by the Lord Chief Justice, only the Executive can propose anyone. That too strikes me as a fundamental violation.

Mr. Hogg: Is there not a third point, which was touched on by the hon. Member for Islington, North (Jeremy Corbyn)? The Secretary of State can revoke an appointment. As such a revocation would be profoundly damaging to the career prospects and reputation of a specially appointed coroner, it might well concentrate his mind in favour of the Government.

David Howarth: I agree. In fact, those provisions are quite confusing. The special coroner can be removed for misbehaviour—it should be asked in that context who decides what constitutes misbehaviour, and on what grounds—or can be effectively removed through revocation of the certificate. The question then arises whether a new certificate can be produced for the appointment of a new special coroner, thereby removing the first special coroner without having to prove misbehaviour. The scope for abuse seems to me very broad.

If the Government insist on embarking on this route, the least they should do is remove the Secretary of State entirely from the process of choosing the special coroner. That is the intention of amendment No. 119, which

[David Howarth]

suggests that the coroner should be chosen by the Lord Chief Justice rather than the Secretary of State. I oppose all these provisions, but at the very least the Government should concede that principle.

I support amendment No. 1 and hope that it will succeed, along with the subsequent amendments to remove the rest of part 6. If those amendments are not passed, I hope that amendment No. 119 is pressed to a Division. Ultimately, however, these are mere details. On an earlier occasion, I was interested to know whether there was any constitutional principle that this Government would not violate for the sake of their own convenience. I think that in these provisions we have our answer.

Mark Durkan: I am delighted to follow the hon. Member for Cambridge (David Howarth) and to support amendment No. 1, along with amendments Nos. 2, 3 and 10.

Clauses 65, 66, 67 and 69 are simply wrong: they are wrong in terms of the process that produced them, they are wrong in principle, and they will do wrong in practice. They are wrong in process because they came out of nowhere and were smuggled into a counter-terrorism Bill; the Government hoped to smuggle through these very controversial changes under the cover of the other controversies associated with the Bill that are more prominently featured in the media and elsewhere.

9 pm

The Government have told us all along that they wanted to create a consensus on counter-terrorism, and they went to some lengths to create all sorts of dialogues and discussions, although that did not particularly include the Northern Ireland parties, which I can understand in the prevailing circumstances. However, there was no consultation on the provisions before they appeared in the Bill, and since this matter was last discussed in the House there have, of course, been additions. Clause 66 will now extend some of the provisions on inquests to Northern Ireland, which was not previously the case. That clause 66 has been added to the Bill as an afterthought again shows how ad hoc the provisions are—it landed out of the blue in Committee.

Public consultation is a legal duty in Northern Ireland. I hope that the Minister can clarify whether there was any consultation on this measure. Was there consultation with any of the Northern Ireland parties? Was there consultation with the Assembly? Will there be? Has there been consultation even with the Office of First Minister and Deputy First Minister?

These sensitive proposed changes might give rise to a number of serious implications and complications regarding the devolution of justice and policing. Let me ask a simple question: to whom would the proposed powers be devolved in the event of the devolution of justice and policing—or will the Government insist that they should still reserve the powers to themselves on the grounds of national security and relations with other Governments? If that is the Government's view, it is a serious issue. Northern Ireland Office Ministers have been telling this House how wonderful agreements and consensus have been reached in the Committee of the Northern Ireland Assembly that was looking at issues to do with the devolution of justice and policing, and at the detail of the exact scope of the powers to be devolved and how they might be devolved. Yet the Government have now—wham, bam—thrown in this grenade, when the Prime Minister has personally been involved in talks including the new First Minister and Deputy First Minister to try to resolve some of the difficulties in the devolution of justice and policing.

I hope that the Minister can provide some explanation or clarification, and if there has not been proper consultation or consideration I ask the Government to think about using that as at least one of the grounds on which they might consider withdrawing some or all of the clauses to allow for wider developments and for wider and proper discussions of all these issues later in the context of the coroners Bill. Those discussions would then take place with our knowing about the issues raised for Scotland and Northern Ireland, and we could address all the other fundamental points that Members have been expressing in this debate.

Why this scramble? Why do that rather than await the coroners Bill, which the Prime Minister promised us when he made the statement on the legislative programme only a matter of days ago? If that new process introduced by the Prime Minister is to mean anything, we should properly respect that promised Bill and all eyes and all work should be focused on it, rather than try to piggyback in a grotesque way fundamental issues to do with coroners' courts into a counter-terrorism Bill, when the powers in respect of coroners' courts in the Bill are not restricted or confined to what could be defined as terrorist cases. Other hon. Members have made the point that these powers, which would apply UK-wide, could apply in cases of custodial death, military death or death in circumstances of pursuit or controversy, and in all sorts of health and safety cases where issues of negligence or malice might well arise, or be felt or suspected. Inquests are about affording families and the wider public a sense of truth and at least some basis of understanding. We cannot simply pat victims on the shoulder and then shrug our shoulders when it comes to their need for truth, understanding and a sense of justice, yet that is what we are getting in the Bill.

The breadth of the powers in the clauses is striking. The Secretary of State will be able to remove a jury and a sitting coroner on almost limitless grounds—national security; relations with any other Government, no matter how bad their repute; and the public interest—to be defined at the whim and with the private knowledge of Ministers, but to be undisclosed and unexplained to the public, as ever. In short, the discretion is unlimited and untrammelled. The Secretary of State will have the power to sack juries and coroners if and when he likes. It is the Secretary of State who will have that power, not a judge, who makes a decision after hearing submissions from parties. A politician will control what this special area of the judicial branch of the state is to do. So much for the independence of the judiciary.

It is not just any politician who will have this power, but one who will too often have a conflict of interest, as other hon. Members have said. Juries are required in inquests when there may have been wrongdoing or negligence on the part of the state, yet who will get to decide whether there is to be a jury? Who will get to decide whether to step in and put a stop to a certain coroner and jury if they do not like the way in which an inquest is going? Who will get to decide whether to

appoint a select special coroner of their own? The answer is the Secretary of State, and that is a fairly breathtaking reach on the part of any Executive.

Jeremy Corbyn: As far as I am aware, the vast majority of jury coroners' inquests take place where the death involves the operations of an arm of the state—the military, the police or some other body—so the power is not just one of appointment; it is specifically a power of appointment where the state itself is involved.

Mark Durkan: The hon. Gentleman reinforces the point that a number of hon. Members have made. The state might have issues to cover up or its own interests or those of its agents to protect, and it is in a position to do so. It is even in a position to protect the agents of another state, no matter how unworthy that other state might be. That is the kind of law that this Parliament is being asked to approve tonight. The Secretary of State will not only be able to sack the sitting district coroner and the jury and take an inquest off them; if he so wishes, he will be able to sack the special coroner and then appoint another one. That is how far the Government have gone on this issue.

I am not sure that I could fully agree with the hon. and learned Member for Beaconsfield (Mr. Grieve) that this is just some messy lay-by that the Government have stumbled into. They seem to be going some distance with these proposals; they have worked their way around the board, passed "Go" and collected £200. I find it hard to believe that the Government have got lost here. They have ended up somewhere where they get all the control and hold all the cards when it comes to inquests. How real is the supposed veto that the Lord Chief Justice would have? That is a cosmetic move by the Government, because it would be almost impossible for the Lord Chief Justice to exercise the veto without causing huge controversy and difficulty. In reality, the Secretary of State will get to choose whom he or she wants.

Yet again, we witness the right to a jury being stripped away. The Minister earlier stressed that the non-jury courts in Northern Ireland will no longer be Diplock courts, because they will have a different legislative basis. However, clause 66 means that we will not only have continuity Diplock courts, but Diplock inquests, in which juries will be prohibited on the say-so of the Secretary of State in cases in which they would otherwise be involved. Juries could even be, in effect, sacked.

What message does that send to the families whose loved ones' deaths are the subjects of the inquests? What message does it send out to jurors, who are responsible, law-abiding citizens who are prepared to play their role and do their civic duty on a jury? How would they feel if, for reasons unexplained, they were suddenly sacked and disposed of? It would be a scandal if that were to happen in any case, but we are told that this is a matter of administrative convenience and could be done for diplomatic comfort, for the sake of relations with other countries. It will certainly be for the convenience of those who have something to hide or who want to hide something for others.

If the Secretary of State is going to go so far as to remove the jury and if we have measures to control the business of inquests in terms of secrecy, is it too far fetched to worry that the next step will be to exclude the press and families, or even everyone? That is the dangerous logic of where this is headed, and that is why the Government need to put a halt to it now and leave such matters to the anticipated coroners Bill. It is entirely wrong that we face the prospect of the Secretary of State acting as the puppet master in inquests in which, as my hon. Friend the Member for Islington, North (Jeremy Corbyn) pointed out, the state may have much to hide. In some cases, the state may have little to hide but will still go to these offensive lengths to hide it. That must not and should not be done.

Inquests must meet certain standards, as Jordan *v.* UK, Edwards *v.* UK and other cases that have been taken to Europe have made clear. The first standard is that they should be independent, both institutionally and in practice. How does that standard sit with one side in the proceedings having the power to sack the jury and choose the coroner; to sack that coroner and choose another one, and to control what happens with secrecy?

Inquests must also be capable of leading to a determination of responsibility and the punishment of those responsible, yet in Northern Ireland there is no possibility of bringing a verdict of unlawful killing. Another standard is that inquests must be prompt, yet there are cases in Northern Ireland in which inquests into murders in the 1980s—there is even one in the 1970s—still have not happened. We still have 20 inquests outstanding involving 30 deaths from the troubles.

9.15 pm

Inquests are meant to allow for sufficient public scrutiny to ensure accountability. With the jury sacked and, I have no doubt, with other powers and restrictions to come, that is clearly on the wane. Of course, inquests must allow the next of kin to participate, yet that too is under threat from the direction of travel that the Government are taking. Hon. Members should be in no doubt that these powers will be not only used, but abused.

Let me give an example of a case in Northern Ireland. Roseanne Mallon, a 76-year-old woman, was shot dead by loyalists in 1994. Her sister was shot, too, and she took a civil action against the Ministry of Defence. In the context of that action, by some miracle, she discovered tapes held by the Army that revealed that her house was under observation by members of the Special Air Service the SAS. They saw the loyalists arrive at the house and saw what was happening. In fairness, they radioed back to Mahon barracks to say what they had seen and to ask for instructions. Mahon barracks told them to do nothing and that was that.

That information came up during a civil action, but in context of the inquest the coroner asked for a copy of the tape from the MOD, which flatly refused to provide it, God alone knows for what reason. Maybe it was for reasons of national security or the public interest, but whatever the MOD's grounds for holding that clear evidence, which is relevant to an inquest, the Government will be able to use those same grounds to sack a jury and to dispose of the inquest, too. So that inquest still has not happened. Neither have inquests in the shoot-to-kill cases from the early '80s, nor those in the cases from the late '90s of Raymond McCord and Sean Brown. Such a situation leaves families wondering whether inquests are being stalled until one generation of the family dies off. It leaves them feeling that the state feels that time is

on its side and that it can play it as long as it takes—and, of course, as the families say, the new measures are then brought forward.

In Northern Ireland, there is a consultative group looking at issues of the past, appointed by the British Government and led by Lord Eames and Denis Bradley. The Bill's provisions leave a lot of people with the sense that some of the unresolved cases that have not been the subject of inquests will be crudely disposed of using the new powers. People such as me will not be in a position to disarm people of that suspicion unless the Government move to halt the measure now. Families are left without loved ones, suffocating with frustration that they cannot get truth or understanding about their situation. Rather than meeting their situation with truth and justice, the Government are creating more obstruction and more obfuscation.

My hon. Friend the Member for Islington, North asked my hon. Friend the Member for Hendon (Mr. Dismore) whether there were such powers in other parts of the world. My hon. Friend the Member for Hendon rightly resisted going on a comparative world tour of such matters. I draw the attention of the House to a fact about the clauses that we are discussing tonight, which concern not only Northern Ireland but the whole of the UK—or certainly England and Wales, at least. They are uncannily similar to a legislative provision made in another Parliament, which allowed the Minister to provide

"for the duties of a coroner and a coroner's jury, or of either of them, as respects any inquest prohibited by the order being performed by such officer or court as may be determined by the order".

The order was entirely in the control of the Minister, and that provision was in the notorious Civil Authorities (Special Powers) Act (Northern Ireland) 1922.

This year, we are celebrating the 40th anniversary of the civil rights movement in Northern Ireland. Its work and cause were supported by many Members of this House, and one of its aims—and eventual successes—was to overturn that obnoxious legislation. We need to remember how notorious the 1922 Act was. South Africa's Minister for Justice in the apartheid years, Mr. Vorster, put through his own pernicious legislation, but said that he would trade it all for one clause of the 1922 Act.

Now we find that, with this Bill, this Government are digitally remastering one of the most pernicious and obnoxious provisions of the Civil Authorities (Special Powers) Act (Northern Ireland) 1922. That is what we have come to, and that is what is happening with the provisions in the clauses under consideration. They are almost uncanny in their resemblance to the 1922 Act when it comes to their scope and their effect.

If nothing else, what should give people cause for concern is that the measures will not be applied only to Northern Ireland. Indeed, Northern Ireland is in some ways protected from some of them, as the special coroners will not operate there. As I understand it, that is because it is deemed that all Northern Ireland's coroners are already kosher, having been security-vetted and all the rest of it. However, the standard set by the 1922 Act is to be the law for England, Wales and Northern Ireland in the future.

The House needs to think twice about these provisions, and I beg the Government to think again about them. Ministers may claim that they apply in only a small number of cases, but it has been stressed already that those cases will be very important and controversial. Moreover, if the number of cases is likely to be small, and if the powers are to be used only rarely and as such are not worth worrying about, why are we to have 15 special coroners? Why are the Government going to such lengths, without consultation and when other legislation is going to be available soon? If they are trying to clarify, reform and deal with problems with the coroner's system in an effective and positive way, appropriate legislation is already coming.

The Government should withdraw these provisions from the Bill. If they do not do so, Parliament should say no to them.

Mr. Michael Howard (Folkestone and Hythe) (Con): I find myself in complete agreement with the points made in the series of powerful speeches about this part of the Bill. Indeed, it is difficult to see how any objective observer could fail to be in complete agreement with those points.

I support the amendments put forward by Opposition Front-Bench Members, and others. I hope to vote for them later this evening, but I do not intend to engage on those issues in what I hope will be a brief contribution to this debate. Indeed, so comprehensive and compelling have been the arguments so far put forward that I am certain that I would be unable to add to or enhance them in any way. Instead, I want to make a particular point that relates to the proposed admissibility of intercept evidence at coroners' inquests from which the jury has been excluded—as they would be if the provisions of the Bill as it stands reach the statute book.

The Home Secretary has recently appointed me to the advisory group of Privy Councillors that is concerned with the implementation of the Chilcot committee's recommendations on the admissibility of intercept evidence in criminal trials. The make-up of the committee is in fact identical to that of the original Chilcot committee, except that I have been appointed in place of my right hon. and noble Friend Lord Hurd of Westwell. The only other member of the committee who is a Member of this House is the right hon. Member for Berwick-upon-Tweed (Mr. Beith), and I am delighted to see him in his place this evening.

Obviously, the views that I express this evening are mine and mine alone. I do not purport to speak on behalf of the committee in any way. It is, however, fair to say that the committee as a whole has been impressed with the way in which the officials who have been charged with the task of implementing the original recommendations, which were of course accepted by the Government, have set about their task. That task is not an easy one. The Chilcot committee report set out nine requirements that must be met to ensure that the United Kingdom's strategic intelligence capability is safeguarded, and that the ability of intelligence and law enforcement agencies to protect the public is not harmed if intercept evidence is made admissible.

I do not intend to go through all nine requirements this evening, but they include provisions relating to the retention of raw intercepted material and to the examination and transcription and note taking of intercepted material. In all, they add up to a comprehensive series of safeguards designed to minimise and, if possible, eliminate any risk

to national security arising from the admissibility of intercept evidence. It therefore came as a surprise, to me at least, to see the provisions of the Bill that allow for the admissibility of intercept evidence in coroners' inquests without a jury, and to see that there was no reference to those safeguards, and indeed no hint of their necessity. Of course, I appreciate that the disclosure envisaged in the Bill would be limited, but that does not dispose of some of the questions that could arise. For example, the way in which intercept material is prepared—an issue to which I have already referred—is, on the face of it, relevant whether we are talking about intercept disclosed in the circumstances envisaged under the Bill, or intercept disclosure in criminal proceedings.

Other questions arise, too. What if the verdict of an inquest that is based on intercept evidence, among other things, leads to a prosecution, or is challenged through judicial review? It may well be that the Government have thought through all the implications of the change, and have convincing answers to all those questions. I hope that they do, in which case I look forward to hearing them from the Minister at the end of the debate. Should that not prove to be the case, a great deal of further thought would be required before the provisions find their way on to the statute book.

Mr. Havard: I know that a number of people wish to speak, so I shall keep my remarks short. It was interesting to hear reference made to the Deepcut barracks cases. My right hon. Friend the Member for—I will probably get this wrong—Walsall, North—

Mr. Bruce George (Walsall, South) (Lab): South.

Mr. Havard: I knew I would get it wrong. My right hon. Friend was the Chair of the Defence Committee when we produced the report, "Duty of Care". That is an interesting phrase; it refers to our duty of care to people—the families—who have an interest in an inquest and go through the process. I am very interested in the subject.

In some senses, the part of the Bill that we are discussing worries me more than the issue of pre-charge detention. It is interesting that the media have not really done much with it, and that there has not been much informed debate among the public about the real effects of the provision that we are discussing.

It was clear both during our inquiry and subsequently that the inquest process has huge potential to allow people to understand not only what has happened, but why. The provision will deny that process to people who would be subject to it. We saw the genuine pain and suffering of families who wanted that ability to understand—they did not necessarily want revenge or retribution—but to whom the process was denied, because it was not properly run and not properly available to them.

A coroners Bill is due to be introduced. The Defence Committee is waiting for it, and had a discussion today. I do not speak on behalf of the Committee, but as everyone will know, we wish to hold an inquiry on how the coroners process is run, with regard to cases concerning the death of military personnel and attendant effects relating to people associated with the military. The provision that we are discussing seems inherently unsound, in a way that many hon. Members have already described. Certainly, its timing is wrong. When that Bill comes along, the provision in the Counter-Terrorism Bill and this discussion will not inform it. They will prejudice it if the Bill proceeds and the Government will have to unscramble it and redo it.

The dangers of the provision have been described by others. As the hon. Member for Foyle (Mark Durkan) said, the problem is not what such provisions do now, but what happens later. I suppose the Secretary of State responsible will be the Justice Secretary. That might be an honourable person at present, but individuals will change. We must be careful what we do. I signed the amendment and I shall prosecute that if necessary, but I would prefer not to do so.

Everyone has explained that this is the wrong time to legislate in haste in a Bill that, we are told, was drawn up in the cold light of day as a reserve power for the future. The provision is wrong, it is dangerous, and I hope that the Minister will withdraw it—if not here, then elsewhere later.

9.30 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): In a civilised society, every one of us, and the society itself, has an interest in the causes of the death of every one of its members. That point has been well rehearsed in the debate. The Bill is extraordinary, but I say to the hon. Member for Foyle (Mark Durkan) that I am not surprised by anything that the Government bring forward from the Home Office or any of their security agencies to improve the lot of the British citizen.

Who could imagine that a Bill about terrorism should suddenly incorporate an amendment of a Coroners Act to bring about a situation that repudiates the whole tradition of our open justice and our approach to the reinforcement of the citizen's right to know what happened in the circumstances of an unusual or exceptional death? That is why we support coroners courts. That is why they have been largely open and accessible to us. We spoke about closure and satisfaction of the individual families concerned, but we as a society have a wider interest. We want to know that the cause of death is explicable and whether it was criminal in its intent.

Suddenly a Bill relating to terrorism contains an extraordinary and very nasty series of proposals. It states:

"The Secretary of State may certify in relation to an inquest that, in the opinion of the Secretary of state, the inquest will involve the consideration of material that should not be made public",

and then it lists the circumstances:

"in the interests of national security,

in the interests of the relationship between the United Kingdom and another country, or"—

the usual catch-all that the Government use—

"otherwise in the public interest."

Defining the public interest is a matter not only for Government, but for the Chamber. The measure strikes at the basis of our principles. It is outrageous that it has been incorporated in the Bill.

The provision can be retrospective. The clause goes on:

"Where a certificate has effect in relation to an inquest, the inquest must be held or (as the case may be) continued without a jury"

[Mr. Richard Shepherd]

and so on. It is an assertion of the nervousness of the state. Let us be clear about that. Who in a democratic society would seek such far-reaching power to obscure something that we take as a routine part of our democratic exchanges? Yet there has been no justification. What do the Government mean by

"in the interests of the relationship between the United Kingdom and another country, or otherwise in the public interest"?

It is everything, is it not? The Government determine it. On the most basic and preliminary examination, this is unacceptable.

I have heard all the calls for national security over the nearly 30 years that I have been in the House. The Conservative Government used to bait the Labour party because it opposed internment and the Northern Ireland terrorism Acts. This Government now try to bait the Conservative party on the basis that we are soft on terrorism. It is nonsense. This country is united in the belief that we want peaceful, lawful existence, and that the purposes of the state are to ensure that each and every one of us is secure. To stick in the middle of that the view that something nasty might be going on in a coroner's court hardly brings joy to the hearts of a free people when they listen to a Government bring forward what we all know are important measures in other areas of the Bill. I hope very much that the House—no one else has spoken in favour of it other than the Minister himself—

Mr. McNulty: I have not yet.

Mr. Shepherd: The right hon. Gentleman has probably been listening to the Prime Minister and will come back with the answer.

The House must reject these provisions. This is not a matter for the House of Lords. This is quite clearly a matter for us, and we should tell the Government that this should not be included in the Bill and should be withdrawn.

Jeremy Corbyn: I shall be brief to enable the Minister to reply and other Members to speak. I want the Minister to be able to explain to the House exactly why we are introducing something as draconian as clause 65 into this Bill. I am glad that we have had a good debate on this issue this evening, because this part of the Bill is as important and as dangerous to liberties in this country as the 42 days that we will be debating tomorrow. Like that issue, it crosses the important Rubicon of the separation of political and judicial powers. If we are to give the Secretary of State the power to appoint a coroner, the power to prevent a jury and the power to intervene in a case as it goes on, we can no longer claim that there is a complete separation of political and judicial authority in this country. Additionally, since, as far as I understand it, the majority, if not all, of jury cases that are heard in a coroner's court involve a state party—be it the police, the Army or some other organ of the state—in connection with a death, the Minister, whoever he is, will have a clear conflict of interest, as many hon Members have pointed out.

Proposed new section 8A(1) (b), in clause 65 (2), contains the words

"in the interests of the relationship between the United Kingdom and another country".

That particularly disturbs me. If we are to be proud of and believe in our judicial system and traditions, why are we saying that our relationships with another jurisdiction are an overriding interest? Look at the odium that Tony Blair incurred when he intervened to prevent the investigation by the Serious Fraud Office into the involvement of BAE Systems with Saudi Arabia. He said in his defence that the overriding interest was one of national security and the relationship with the kingdom of Saudi Arabia, whose record on human rights is slightly questionable in a number of areas. I suspect that the overriding interest would relate to many other jurisdictions as well where we have close relationships, arms sales or whatever else. It is simply wrong and dangerous for us to do this. It will not do our standing any good around the world and it is no good for our judicial system or our democracy.

I also draw attention to the briefing that has been sent out by Inquest. That organisation has its offices in my constituency and it has campaigned with great difficulty and tenacity and very bravely on investigating the causes of deaths in custody. I pay tribute to that organisation, and I know the people who work there very well.

I know families where somebody has died in custody, and the family goes through the pain of calling for an inquiry, a coroner's court inquest and so on. Someone who dies in custody may be under suspicion, which may be why they are in custody in the first place. Such people often do not have wonderful connections with brilliant barristers and lawyers, and they are often victims who find themselves in police custody and tragically die for a variety of reasons. In such circumstances, it is not in the interests of the police to ensure that there is an open investigation, and it is not necessarily in the interests of any other agency of the state. The only avenue that is available for families of the deceased to seek justice is through the legal system. If we give the Secretary of State the power to intervene to prevent a jury trial in a coroner's court, that avenue will not be open to such families.

I have two more points. First, deaths in custody raise important issues of state power and accountability. In a free and democratic society, deaths in state custody should be subject to particularly close public scrutiny. For that reason, it is imperative that the inquest system is open and transparent so that justice can be seen to be done and public confidence in the state bodies is upheld.

Secondly, I intervened on my hon. Friend the Member for Hendon (Mr. Dismore) during his excellent contribution—I will take great pleasure in supporting his amendment—on international comparisons. I do not have the information that he thought that I had about what happens in every other jurisdiction, but I want to discuss article 2 of the European convention on human rights, which other hon. Members have also mentioned. Article 2 requires the Government to implement a proper procedure for ensuring the accountability of agents of the state to maintain public confidence and to allay any concern arising from the use of lethal force. It places a positive duty on the state to investigate a death in custody with an inquiry that is conducted on the state's own initiative, that is independent both institutionally and in practice, that is capable of leading to a determination of responsibility and the punishment of those responsible, that is prompt, that allows for sufficient public scrutiny and that enables the next of kin to participate.

When the Minister replies, I hope that he will explain the motives behind the inclusion of clause 65 and its related provisions in the Bill. We are taking a very dangerous step: we are giving too much unaccountable power to Ministers to protect the state's agents, when the public rely on us, as Members of Parliament, to defend their interests, their procedures and their access to justice.

Mr. McNulty: I am sorry to prevent others from contributing, but I am mindful of the time. *[Interruption.]* The programme motion was agreed by Government and Opposition Front Benchers, so take it up with them and get real.

Some germane and relevant issues have been raised. There have been some interesting little treatises, including the previous contribution, by my hon. Friend the Member for Islington, North (Jeremy Corbyn), but they do not bear much relation to the substance of the Bill. Nobody, apart from my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble), has answered the question of what to do about families who are currently stuck in limbo and cannot achieve resolution and closure at an inquest into the death of a loved one because of the blockage around the use of sensitive material and, potentially, intercept evidence—I will address the point raised by the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) in a moment. If this system, or a similar system, does not prevail, what will happen to families involved in such rare cases? The answer is that they will stay in limbo; the answer is that they will stay in abeyance and nothing will be done for them.

Mr. Beith: I understand what the Minister might be trying to do, but how has he met the tests that the Chilcot committee set, such as the test that intelligence and law enforcement agencies should not be required to retain, transcribe and otherwise process material to such an extent that it would interfere with their ability to gather intelligence? That is one of the things that the implementation group is now having to address.

9.45 pm

Mr. McNulty: I accept that, and I applaud the implementation team on its work, as I do the right hon. Gentleman and his colleagues who were on the original Chilcot committee. It relates to the point made by the right hon. and learned Member for Folkestone and Hythe, too. These are absolutely and quintessentially different circumstances. The right hon. Gentleman will know, because he has lived and breathed it for the best part of a year or more, that the whole edifice and architecture of Chilcot, and how to move to utilise intercept as evidence in courts, is precisely a result of the two substantive sides—precisely because of disclosure and all the other elements that surround it. They are not germane to an individual coroner sitting in such circumstances.

The right hon. Gentleman's constituency is very close to Scotland—I hope his town stays this side of the border; I have heard the rumours—and he will know that a High Court judge is quite properly on the appropriate list in Scotland to get such sensitive material, including intercept, as evidence during fatal accident inquiries. That is why FAIs do not feature in the provisions. My right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram) asked a question about that, and he will know that Lord Cullen of Whitekirk was recently appointed—in March, I think—to carry out a full review of the law and the operation of FAIs in Scotland. He will consider issues relating to article 2 and the disclosure of sensitive materials during the course of that review, which, I am told, is to report by next March.

John Reid (Airdrie and Shotts) (Lab): I have no wish to add to my right hon. Friend's burden of explaining some of the contradictions in the concessions that have been made to get the Bill through, but because I agree with the right hon. Member for Berwick-upon-Tweed (Mr. Beith), let me ask the Minister this simple question. The Bill establishes a principle of extending the use of intercept evidence in a coroner's court. Why is it necessary to do so in this Bill, here and now, when our own inquiry is under way and will report in the not too distant future, and when we are awaiting the Bill on the coroners process? Why is it not possible here to wait, but in Scotland—another part of the United Kingdom—it is possible, on a matter of national security, to wait until its inquiry has resulted, and when, moreover, responsibility for national security on such an issue will be handed over from this House to the First Minister in Scotland?

Mr. McNulty: That is because, as my right hon. Friend knows, the High Court judge rather than the coroner sits in FAIs and already has the capability under Scottish law to receive and use that information. I freely concede the point, although not in respect of the constitutional drivel from the hon. Member for Cambridge (David Howarth), that two or three things are going on that of course should, more usefully, be aligned. In the wake of the Jordan case and what we require on article 2—yes, again, for the families and nobody else—we cannot delay one particular case any longer. There may well be others, as I have suggested. It would simply be unfair and unjust to those family members and on that case.

I alluded to this point in Committee and I am happy to repeat it: I shall do all that I can to ensure—I do not know what the mechanism is; we are still exploring it—that these elements are duly sunsetted and fed into the coroners reform Bill. That is where they properly belong, and they can be properly fed into all the other aspects of a full and deep review of the coronial system in the country. That is right. The balance for us to strike is to comply now with article 2 and the essence of the Jordan case and to move on further the individual case and, potentially, other individual cases, because they have been held in abeyance for so long, rather than to wait not only for the Chilcot implementation group and Lord Cullen to report, but for what may well be—I do not know; I am not a futurologist—the real rather than the apparent existence of a coroners reform Bill, from the pre-legislative form in the Queen's Speech to actuality.

Mr. Grieve: May I just pick up on that point? The Minister's argument is that the provision is vital for a number of cases in which people need justice, but how does he respond to the point that has been made from all parts of the House that the system is so inherently flawed that it will not deliver the results that the Government claim for it? This is a matter of self-interest, if I may say so to the Minister. The Government should pause and

[Mr. Grieve]

withdraw these measures, because they will not fulfil the expectations that they themselves have placed on them, quiet apart from the fact that they are unfair.

Mr. McNulty: I do not accept that they are flawed, and I certainly do not accept that they are Kafkaesque, going back to the 1920s or anything else. What we have replicated for special coroners is the provision that pertains to the judiciary everywhere else in this land. It is arrant nonsense to suggest that a special coroner suitably appointed by the Secretary of State and the Lord Chief Justice is somehow a stooge while all the other judges all the way up to the very top are not stooges.

David Howarth: Will the Minister give way?

Mr. McNulty: With respect, no, given the time that I have, and the hon. Gentleman's contribution.

Mr. John Spellar (Warley) (Lab): As the Minister is aware, I share the concerns about moving to the use of intercept evidence before the Chilcot committee has undertaken the study that was not only recommended by the Government but fully accepted by the Prime Minister in this Chamber when he introduced the report. Interestingly, the Minister said that he is considering the possibility of a sunset clause. I presume that the mechanism for that would be the tabling of some amendments at the appropriate stage in the other place. Could he confirm that that is in the Government's thinking?

Mr. McNulty: That is entirely in the Government's thinking, not least because the only unfortunate thing in the whole process is the lack of alignment between fairly significant pieces of endeavour—the Chilcot implementation group, Lord Cullen's further inquiry into what pertains in Scotland, and the introduction of the coroners reform Bill. In the end, all these provisions sit more suitably in a coroners reform Bill, having been suitably informed by the Cullen review and what Chilcot says about implementation. It is arrant nonsense to suggest that this is about the state taking over people's article 2 rights and in some sinister fashion ensuring that anything remotely attached to the state relating to the death of an individual will now be hush-hush, covered up and secret. We have said very clearly in the substance of the Bill that the only secret bit of any proceedings, even with a specially appointed coroner, will be for sensitive information, intercept evidence and whatever else. The rest of the inquest, albeit just with the special coroner, is public.

The notion that this is about hurrying and scurrying into a little hole so that no one knows anything, not least the family, is simply is not the case, as the hon. and learned Member for Beaconsfield (Mr. Grieve) knows. He rightly starts from the premise, as do most fair-minded individuals in this House, of whom there are plenty, that there is an issue to do with particular cases that we need to resolve. We think that this architecture addresses that, and that none of the amendments does.

We have moved on this, as we have on all the assorted groups of amendments that we have dealt with tonight. We have taken to heart what the Committee said about this being a singular activity of the Secretary of State, and we have introduced not only concurrence but the veto of the Lord Chief Justice and the Secretary of State working together. We have even amended and restricted revocation—taking an individual special coroner out of a process—to incapacity and misbehaviour. That is misbehaviour in the perfectly rational and legally precedented process already on the statute book, which extends to falling asleep, being offensive and all the other things that already govern the conduct of judges in such procedures.

The hon. and learned Gentleman will know far more about that than I do. People are not going to say, "Oh, we will vote for the licensing of this particular special coroner because he is making a decision counter to what the state wants." That was the implication of the comments of some individuals, and again I say that it is absolute nonsense. Complaints about judicial decisions are subject to appeal to a higher court in the normal fashion. What we are describing is the independent, finder-of-fact role that the coroner has, and getting to a stage—in what are, in reality, narrowly defined cases—where closure can be achieved for the families.

Mr. Bellingham: Will the Minister give way?

Mr. McNulty: With respect, no.

I know that most people are entirely genuine in sharing a desire to see the resolution of those cases. I hope that the House takes what I am saying seriously; in the end the process has to align with the work of the implementation group on intercept evidence, and with what Lord Cullen is saying in Scotland. The perfect place for that will be, if and when it comes to fruition, the coroners reform Bill. However, there is an urgent need in some cases, with regard to article 2 and the Jordan case, to go along these lines.

In other aspects, as in most circumstances, other elements of what is currently on the statute book will prevail. The Regulation of Investigatory Powers Act 2000 will prevail, where appropriate, as will other provisions in a broader context. We need to get to a stage where the next of kin can get closure, and we need to ensure that we move to get closure for individuals now, rather than waiting, which would be the most convenient thing for the Government to do.

Mr. Bellingham: Will the Minister give way?

Mr. McNulty: With those reassurances, and leaving time for the principal mover of the amendments, which is only a courtesy, something that the hon. Member for North-West Norfolk (Mr. Bellingham) will not know much about—[Hon. Members: "Give way!"]—I ask the House to resist the amendments, except for the Government ones, and to give closure in these special cases to the families for whom everyone purports to speak.

Mr. Dismore: We have had an interesting debate, and there has been unanimity across the House—apart from my right hon. Friend the Minister—that the proposals should not stand. The fact remains that the proposals create a system of secret inquests. No matter how much my right hon. Friend blusters about it, that is the case. He asked the question, "What about families?" We are aware of only one family affected. It is a serious matter for that family, as I mentioned earlier. My right hon.

Friend talks about closure, but the process in question will not give them closure. It might give them partial closure and some of the answers, but it will not give them the full story. We have not heard whether the Government have considered the public interest immunity system in that case. We do not know whether the family in question have asked for that process to be implemented. Has it been discussed with them, and would they accept it if it was offered to them?

My right hon. Friend says that none of us is really interested in the concerns of the families. I can tell him that in my professional life I have dealt with many bereaved families—cases where people were killed in the most appalling circumstances at work or on the roads—and I know what makes families in those circumstances tick. Inquests deal with bereaved families day in, day out, and those involved are opposed to the proposals. If I were to ask the families concerned whether they wanted to wait a little longer and have a much better chance of getting full closure, or whether they wanted the process to go forward now and not know what actually happened, I know which alternative they would accept.

The inquest process is not just about the families. They are an important part of the process, but there is also a public accountability function. There is a public interest function in establishing the truth, and the provisions will prevent that from happening. We are not looking for a counsel of perfection in an inquest. Inquest verdicts are not brought in on the basis of "beyond all reasonable doubt", considering every factor involved.

The question of why we are doing this now arises, when many other things are yet to be decided. A coroners Bill is coming up. Why are we tacking the provision on to a terrorism Bill when most of the cases we are talking about will not involve terrorism at all? We are told about a sunset clause. Can we have a sunset clause just for this case, covering a few weeks, then kill the Bill off after that? We still have not heard which Secretary of State will be involved, and the separation of powers argument has been advanced by several Members. My right hon. Friend accepts that the provision would be better in the coroners Bill—let us go down that route. The fact remains that the process in the Bill forms no real part of our system and it ought not to be allowed to survive.

Question put, That the amendment be made:—

The House proceeded to a Division.

Mr. Speaker: It seems that the Tellers are rather late in coming before me, so I instruct the Serjeant at Arms to investigate the delay in both Lobbies.

The House having divided: Ayes 287, Noes 310.

Division No. 217] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobson, rh Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Key, Robert
Kilfoyle, Mr. Peter
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David

Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Jeremy Wright and James Duddridge

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn

Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Alison Seabeck and Liz Blackman

Question accordingly negatived.

It being after Ten o'clock, MR. SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [this day].*

Clause 67

SPECIALLY APPOINTED CORONERS

Amendment proposed: No. 119, page 47, line 35, leave out 'Secretary of State' and insert

'Lord Chief Justice of England and Wales or the nominated senior judge'. *[David Howarth.]*

The House divided: Ayes 269, Noes 331.

Division No. 218] **[10.18**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger

Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Dan Rogerson and Jenny Willott

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cash, Mr. William
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David

Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hands, Mr. Greg
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holloway, Mr. Adam
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Paterson, Mr. Owen
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soames, Mr. Nicholas
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Swire, Mr. Hugo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaizey, Mr. Edward
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Waterson, Mr. Nigel
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wills, Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Alison Seabeck and Liz Blackman

Question accordingly negatived.

Amendments made: No. 70, page 47, leave out lines 37 to 40 and insert—

'( ) The Secretary of State must establish and maintain a list of coroners eligible to be appointed under this section ("the approved list").

( ) A coroner may be included on the approved list only with the agreement of the Lord Chief Justice of England and Wales or the nominated senior judge.'

(1) A person may be appointed under this section only if—

(a) the person is—

(i) a coroner on the approved list,

(ii) a puisne judge of the High Court in England and Wales, or

(iii) a circuit judge, and

(b) the Lord Chief Justice of England and Wales or the nominated senior judge agrees to the person's appointment.'.

No. 71, page 48, line 14, at end insert—

'(5) A reference in a provision of this section or section 18C to "the nominated senior judge" is to the senior judge nominated by the Lord Chief Justice of England and Wales for the purposes of that provision.

(6) In subsection (5) "senior judge" means—

(a) the Master of the Rolls,

(b) the President of the Queen's Bench Division,

(c) the President of the Family Court,

(d) the Chancellor of the High Court, or

(e) a Lord Justice of Appeal in England and Wales.'.

No. 72, page 49, leave out lines 10 and 11.

No. 73, page 49, line 12, after 'coroner's', insert 'incapacity or'.

No. 74, page 49, line 15, at end insert—

'( ) The Secretary of State may revoke an appointment under subsection (1) only if the Lord Chief Justice of England and Wales or the nominated senior judge agrees to the revocation.'.—*[Mr. McNulty.]*

Bill, as amended, to be further considered tomorrow.

DELEGATED LEGISLATION

Motion made, and Question proposed forthwith, pursuant to Standing Order No. 118 (6) (Delegated Legislation Committees).

SUPREME COURT OF ENGLAND AND WALES

That the draft Maximum Number of Judges Order 2008, which was laid before this House on 13th May, be approved.—*[Ms Diana R. Johnson.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Committees).

MILLENNIUM DEVELOPMENT GOALS

That this House takes note of European Union Document No. 8403/08 and Addenda 1-to 5, Commission Communication, The EU—a Global Partner for Development—speeding up progress towards the Millennium Development Goals (MDGs); and welcomes the progress being made.—*[Ms Diana R. Johnson.]*

Question agreed to.

PETITION

Car Boot Sale (Catchpenny Farm)

10.34 pm

Jon Trickett (Hemsworth) (Lab): I am pleased to present a petition on behalf of thousands of my constituents, headed up by Councillor Glyn Lloyd of Hemsworth, Maurice Kent of Kinsley near Pontefract and L. Young from Brierley in Barnsley.

The petition states:

The Petition of concerned members of the public,

Declares that the mid-weekly car boot sale and market at Catchpenny Farm, near Fitzwilliam has, for the moment, ceased. The Petitioners believe that this mid-weekly market has been beneficial to the local economy, contributes to strengthening the community and is highly popular. The Petitioners further expect, since they pay their Council Tax to Wakefield MDC, that this Council exists to promote economic development and community well-being and therefore will wish to restore the weekly car boot sale and market.

The Petitioners therefore request that the House of Commons urges the Government to do all in its power to co-operate with Wakefield MDC in order to reinstate a mid-weekly car boot sale and market such as the one formerly held at Catchpenny Farm near Fitzwilliam.

And the Petitioners remain, etc.

[P000211]

Local Elections (Warrington)

Motion made and Question proposed, That this House do now adjourn.—*[Ms Diana R. Johnson.]*

10.36 pm

Helen Jones (Warrington, North) (Lab): It is normal to begin an Adjournment debate by saying that one is grateful to have it, but in this case I am rather disappointed to have had to apply for the debate at all. The organisation of the local elections in Warrington this year revealed both an astonishing degree of incompetence on the part of the acting returning officer, Mrs. Terris, and a disregard for the basic principles of democracy that was frankly breathtaking. It also revealed some gaps in our system for ensuring that returning officers deliver a proper degree of service to the electors and for holding them to account when they do not.

This is not a party political matter. All parties in this House are committed to the principles of democracy and we all want the highest possible participation in elections. I have been involved in elections now for more than 30 years, under councils of all different political complexions and a wide variety of returning officers, and I have never had cause to complain about any of them. However, I believe that the shambles that we saw in Warrington in these local elections needs to be properly investigated and we need to take steps to ensure that it does not happen again.

Our problems began even before the elections were called, when the council conducted a review of polling stations. It did not consult political parties through their elected officers. It appears from conversations that have taken place since with candidates, agents and the deputy returning officer that the only people whom the council consulted were elected councillors. I find it astonishing that anyone could believe that only those people who have already been elected should determine the sites of polling stations but, together with the fact that the council's website showed the polling stations still in their original positions, that meant that many candidates and agents did not discover that there had been changes until the election campaign was under way.

Some of those changes caused real problems. For example, one polling station in the Orford ward was moved from Beamont primary school to St. Benedict's, which meant a much longer journey for many people. In the Culcheth, Glazebury and Croft ward there were severe problems, in that the polling station for the Newchurch area was supposed to be moved right to the end of that area, meaning a long walk down a long road for many voters. The polling station in Mee Brow, which is traditionally an area of low turnout, was to disappear altogether and people were expected to trek more than a mile up a very busy road to the village of Glazebury.

All of that ignored the advice of the Electoral Commission, which makes it clear that a building used as a polling station

"needs to be close to where voters live".

It also gives serious advice about looking at the public transport structure in an area, but that was clearly not done in Mee Brow, where the level of car ownership is lower than average.

The site proposed for the Newchurch polling station would have been accessible only by going past the Tory candidate's house, which he was perfectly entitled to plaster with posters. I am not making a party political point, as that would be wrong whichever party was involved. However, as people raised these problems it became apparent that the returning officer and her deputy had no idea where the polling stations had been, and no idea of the areas to which they were being moved. Again, that is contrary to the advice of the Electoral Commission, which states that it is

"vital to think about the demography of your own area and the access needs of voters."

Clearly, that was not done in the two instances that I have given, which happened in areas with a higher proportion of elderly people than normal. It was also interesting that one of the suggestions for putting matters right was to move the Newchurch polling station to a pub car park—an idea that will always encourage people to vote in the evenings and late at night.

The problem was eventually resolved, with polling stations returning to their original locations, but we have still received no explanation of why the consultation was not conducted properly in the first place. Indeed, I think that the returning officer's interest in the elections can be judged by the fact that she went on holiday during the nomination period. I am well aware that she is legally entitled to devolve her responsibilities to someone else, but I ask my hon. Friend the Minister to look seriously at the relevant legislation. It seems ludicrous that the person with the legal responsibility for running an election can be away for part of the process. It is not as though we did not know when the elections were going to take place, as they were always going to be on 1 May. There was nothing unexpected about that.

However, as the election progressed, it became apparent that there were other problems. Many people did not receive their polling cards, and I again quote the Electoral Commission, which states:

"Poll cards are one of the most important means of communication with electors. In some cases, electors may be unaware than an election is actually taking place until they receive a poll card."

Significant numbers of voters in Warrington did not receive their poll cards, and the problems were especially acute in the ward of Culcheth, Glazebury and Croft, as well as in Penketh and Cuerdley, which is in the constituency of my hon. Friend the Member for Warrington, South (Helen Southworth). In Culcheth, one of the candidates became aware of the problem the day before the election and attempted to contact the returning officer or her deputy. He left his mobile telephone number, and the number of the constituency office, but he did not get a call back until lunchtime on election day. His call was returned by the council's communications officer, but picked up by someone else. The officer's reason for not ringing until then was that she had been very busy setting up the media centre for the elections. Apparently, council officers believe that that is more important than ensuring that people know of their right to vote.

The answer that we were given at that stage was that council officers would leaflet part of the ward to tell people of their right to vote. However, two polling districts were not to be leafleted, even though it was pointed out that there were problems there. In fact, it now appears that council officers had known about

[Helen Jones]

those problems for a week but had taken no steps to find out whether other parts of the ward were affected.

In Penketh, canvassers discovered that there was a problem in a particular polling district over the weekend before the election. They notified the deputy returning officer on Monday 28 April. A request that the returning officer should write to all affected voters and ensure that they were aware of their right to vote was refused, and A5 flyers were delivered instead. They were flimsy things, delivered after people had gone to work and easily confused with junk mail. In Penketh, some of them were delivered outside the area affected, meaning that some people turned up at the wrong polling station and had to be turned away.

That selective leafleting and the failure to deal with the problems has led to the returning officer being accused of bias. I genuinely regret that, but she and her staff left themselves open to that kind of accusation by not taking the problems seriously. It was quite wrong for the communications officer to respond as she did when someone told her, "People haven't got their polling cards." She responded—I heard her say it—"Some people have got their polling cards." In some countries, there may be a career for people who take that view of elections, but that is not how we run a democracy in Britain.

There were also problems with the postal vote, with a number of people receiving their postal votes only the day before the election. The Electoral Commission makes it clear that although there is no last date for distributing postal votes:

> "Clearly the earlier they are distributed, the more opportunity electors have to complete and return their postal vote."

Some people did not receive their postal votes at all; there are a number of such cases in the Poplars and Hulme ward. When the problem was reported, officers blamed Royal Mail. At that stage, it did not matter whose fault it was; what mattered was whether they tried to put things right. People who had not received their postal votes were told to turn up at the town hall with identification, where another one would be issued. That quite ignores the fact that many people with postal votes are elderly or disabled. If they could get to the town hall, they would not need a postal vote in the first place. A returning officer has the power to correct procedural errors, and there is provision for ballot papers to be delivered by hand, so one has to ask why nobody tried to visit some of the people affected, check their identity and deliver their ballot paper.

I heard a candidate report that there was no disabled access at some polling stations, and the same cavalier attitude was taken. He was told, "We haven't got enough ramps." I do not know whether those involved believe that the Disability Discrimination Act 2005 does not apply in Warrington, but the Electoral Commission believes that it does. It said:

> "It is our view that Returning Officers must not discriminate against disabled people by providing a worse service to a disabled person than they would to a non-disabled person."

The problems were compounded by people not being able to get hold of the returning officer or her deputy on election day. In my experience, that is unprecedented. I have always been able to get hold of a returning officer, and if any problem occurred, it could be put right then and there. Instead, candidates and agents were told that the returning officer and her deputy were out visiting polling stations. Apparently they did that all day, and unlike the rest of the population they do not have mobile phones. That in itself raises questions: if two senior officers were visiting polling stations all day, why did they not notice that there was no disabled access at some polling stations, that people were turning up at the wrong polling station, and that in one polling station votes for two wards were being put in the same ballot box?

I now turn to the problems at the count, which were reported to me by the candidates and agents. It is generally agreed by everyone to whom I have spoken that there was far too much noise at the count, both from the counters and people around the count, and that the returning officer did very little to stop it. Noise distracts counters and is not the sign of a well-conducted count. Indeed, at one point, a candidate—not from my party—had to call for silence so that the results could be heard. Again, nothing was done.

As I say, the votes for two wards—one was Poulton South, and the other was Fairfield and Howley—were put in the same ballot box at one polling station. They were checked and verified at the beginning of the count and separated out, but by the time the Poulton South count finished, officers had clearly forgotten about that. They could not make the figures tally and had to recount three times before they remembered that other votes had been in the same box. I do not know how they eventually verified the totals, because I presume that the Fairfield and Howley votes had already been put in with the other votes for that ward.

It was also the case that bundles of 25 votes were secured with flimsy paper clips and frequently fell apart, and that the bundles of 100, instead of being tied with coloured bands, as is normal, were held together with ordinary plastic bands. That made it much easier to confuse the votes, and in one case 100 votes for one candidate were wrongly allocated to another. On another occasion, a bundle was found to contain 125 votes instead.

At the end of the Poulton South count, the candidate was told—it was the successful candidate, as it happens—that his result was to be announced. He said, "Not until you have told me the figures." The officer refused to tell him and he had an argument with the officer before the candidates were given the figures. Not giving candidates the figures removes their right to ask for a recount before the result is announced and is a serious matter.

Although these issues were picked up, it is clear that others were not. In the parish wards being counted on the same night, for instance, candidates and agents were not shown the spoiled ballot papers, meaning that the requirement to adjudicate spoiled papers with the candidates and agents present was ignored, and the provision for agents to object to the inclusion of any vote could not be carried out. At least two parish wards were counted in the middle of the room, away from the counting agents, and candidates and agents were not notified that the counts were taking place. In one case, the first they knew about that was when the deputy returning officer arrived with the ballot papers bundled. In another case, they found out only when the result was announced.

I have seen some of the letters that the returning officer has written in response to complaints. Her view

seems to be, "Unless you're taking an election petition against me, it doesn't matter." She said to one candidate who complained about not seeing the count, "It did not affect the result." That will not do. In this country we count the votes where people can see them. My hon. Friend knows as well as I do that it is easy for votes to be put on the wrong pile or for a bundle to be allocated to the wrong candidate. That happened in district wards and was picked up by the counting agents. Neither the returning officer nor anyone else can have an assurance that that did not happen in counts where people did not watch the count.

The returning officer describes these shortcomings as oversights. They are not oversights. They reflect a fundamental misunderstanding of the way that elections ought to be run. The difficulty is that, short of a police investigation and a court case, we do not seem to have a system for holding returning officers to account. The Electoral Commission was given power in the Electoral Administration Act 2006 to draw up performance standards. It will not begin even to consult on them until this autumn.

That is not good enough. Democracy should not depend on where one lives. People's access to voting should not be a matter of chance; it is a matter of right. I urge my hon. Friend to investigate these matters to ensure that a proper review is carried out, if possible by an experienced returning officer from another area, and to make sure that such things do not happen in my constituency or anywhere else in the future.

10.53 pm

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I congratulate my hon. Friend the Member for Warrington, North (Helen Jones) on securing the debate. She said she was rather disappointed that she had to bring the issue to the House, but if even half of what she described turns out to be true, it is important that the House has been able to hear and consider it. She brought the matter to the House with her usual eloquence, passion and panache.

My hon. Friend has raised an important issue. Her concerns relate to the administration of elections in her constituency, although they have a wider resonance for the rest of us across the country. The effective delivery of an election goes to the heart of and underpins our healthy democracy—the principles of democracy, as she said. All of us want to see elections around the country effectively and efficiently run, and it is vital that that process has the confidence of electors, candidates and the political parties. Better access and enhanced confidence in the system will be achieved only if the system is working effectively and is managed professionally.

My hon. Friend set out a number of concerns about the recent elections in Warrington, and she highlighted some important and serious issues arising from them. They are a matter of grave concern, especially if it is the case that electors are denied the right to vote as a result of any shortcomings in how the election is administered. She is quite right to say that the points that she has raised merit further investigation.

As my hon. Friend will appreciate, I do not speak for Warrington council. I have to say that I am rather pleased to be in that position, after hearing about her experience. However, my Department has contacted the authority to obtain some of the background to the issues involved, and I understand that the monitoring officer for the council is instigating a comprehensive review of the election with some independent support being provided to gather evidence. I understand that the issues that my hon. Friend and others have raised and the representations that they have made will be fed into that review, and she will be invited to give her views more directly. I believe that the review will conclude in the late summer.

As a result of my hon. Friend securing this debate, I shall ensure that the report of it in *Hansard* is sent to the monitoring officer and the Electoral Commission, which is also examining the way in which the elections in Warrington were conducted as part of its own evaluation of the 2008 elections. The commission will visit Warrington in July, and I hope that my hon. Friend will take the opportunity, if she can, to meet it to discuss some of her particular concerns.

I do not wish to prejudge the outcome of that review, but I want to make a couple of comments on some of the issues that my hon. Friend raised. It certainly appears that the changes made to the location of a number of the polling stations prior to polling day were not published on the council's website. That clearly is not at all satisfactory, and it is one of the issues that I hope will be examined properly in the review. I am particularly concerned about my hon. Friend's description of the fact that a number of polling stations lacked access for the elderly and the disabled. That is a clear duty that the returning officer and the administrators of an election have to fulfil as part of the conduct of elections. I hope that the review will look at that point in great detail, and I am sure that the Electoral Commission will look seriously at any authority that does not do its absolute utmost to ensure that those least able to get to a polling station have the opportunity to do so.

With regard to the delivery of poll cards, I understand that the picture is not entirely clear. I am told that the council was made aware prior to polling day of problems in some wards and that as a result it took steps using different channels, including radio, press and the internet, so that people would know that they could vote without using their poll cards.

Helen Jones: Not many people look on the internet to find out why they have not had their poll cards, and the weekly paper in Warrington comes out on election day but is read by most people on a Friday.

Bridget Prentice: My hon. Friend makes an important point, and rightly so. I hope that that will come out in the review and that it will be seen whether the excuses or reasons that I have been given with regard to addressing some of these points in the run-up to the election were valid, and that appropriate action will accordingly be taken.

It is important that electors should receive their poll cards. Although people do not need them to go to the polling station, they still value them. Apart from anything else, the cards often give a reasonable map showing how to get to a polling station, particularly if it is one that has been changed, so my hon. Friend makes an important point in that respect.

I understand that the count went smoothly and that the votes were properly counted and the correct people were elected. Nevertheless, changes to the venue of a

[Bridget Prentice]

number of parish counts were not initially communicated to candidates and their agents, even though Electoral Commission guidance makes it clear that candidates and their agents should be advised about the time and place at which the count begins. Candidates and political parties are part of the process of the election; without them, there would be no election. It is therefore important that administrators and returning officers respect and value the contribution made by candidates and political parties in the course of our democratic elections. I agree with my hon. Friend that it is extremely poor practice not to give the candidates and their parties that information. I have been told that once administrators and returning officers realised the situation, they provided the information as quickly as possible.

I cannot comment on annual leave. I have been told that both the returning officer and her deputy were not on leave between 27 March and 4 April. If either of them were on leave, it would be extremely unusual for them to be away at an important time in the election cycle, because they have direct responsibility, independent from the local authority. I will take a close interest in the results of both the internal review and the Electoral Commission report. It is certainly clear that lessons need to be learned and improvements made for future elections.

Overall, election offices in local authorities across the country are staffed by dedicated electoral officers who work extremely hard and have significant expertise in electoral issues. For the most part, they deliver elections to a very high standard. Nevertheless, as my hon. Friend has highlighted, there is no room for complacency. Standards need to be driven up in the delivery of elections in order to ensure that first-class administration is the norm, and the Electoral Administration Act 2006 was one way in which we have sought to ensure that that happens.

If half the things that my hon. Friend has described turn out to be true—I have no reason to doubt her, because as she has said, she has 30 years' experience of elections and knows what to expect in the run-up to an election and on election day—serious concerns will have been raised and a shadow cast over Warrington's electoral services. The Electoral Commission has the ability to implement performance standards, and I hope that it will carefully examine what happened in Warrington in its review. It may advise Warrington to seek help and support from other authorities where standards are high and good practice is the norm. Democracy and the process of achieving it cannot be taken lightly or, as she said, with a cavalier attitude.

I welcome the fact that my hon. Friend has highlighted those issues this evening. I hope that those who have direct responsibility for the issues that she has raised tonight listen carefully to the debate and act accordingly, so that the electors of Warrington get the service and standard of electoral administration that they deserve.

Question put and agreed to.

Adjourned accordingly at four minutes past Eleven o'clock.

House of Commons

Wednesday 11 June 2008

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

SPOLIATION ADVISORY PANEL

Resolved,

That an Humble Address be presented to Her Majesty, That she will be graciously pleased to give directions that there be laid before this House a Return of the Report from the Right Honourable Sir David Hirst, Chairman of the Spoliation Advisory Panel, in respect of pieces of porcelain now in the possession of the British Museum, London, and the Fitzwilliam Museum, Cambridge. —*[Ms Diana R. Johnson.]*

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Food and Agriculture Organisation

1. **Hugh Bayley** (City of York) (Lab): What conclusions were reached at the recent UN Food and Agriculture Organisation conference in Rome. [209993]

The Secretary of State for International Development (Mr. Douglas Alexander): International agreement was reached on the urgent need for co-ordinated action to combat the impact of high food prices on the world's poor: in the short term, to address immediate food security needs and in the longer term, to increase agricultural productivity in developing countries, including through agricultural research, improved policies, a rapid and successful conclusion to the Doha trade round and reduced use of restrictive measures that increase price volatility.

Hugh Bayley: Climate change is forcing up agricultural and food prices throughout the world. The Secretary of State is right to say that increasing agricultural productivity, particularly in Africa, is important. What is his Department doing to progress that?

Mr. Alexander: My hon. Friend is correct in recognising that the challenge of replicating the agrarian revolution witnessed in India two or three decades ago will be made significantly harder in Africa by the changes in climate that are anticipated. That is why, as a Department, we are taking forward work, not least on building capacity within African countries. We are committing £100 million to adaptation research over the coming five years, including £25 million already under way to support innovation and climate change adaptation in Africa.

Malcolm Bruce (Gordon) (LD): Will the Secretary of State acknowledge that at present many small farmers in poor countries have difficulty purchasing even seed and fertiliser to ensure that they have a harvest? What can the Department for International Development do to ensure that they have the means and confidence to do that, and possibly some kind of insurance scheme to protect them against the possible collapse of prices at a later date that could force them into starvation?

Mr. Alexander: The right hon. Gentleman is of course right in recognising that input costs—principally as a consequence of rising energy prices and the consequential effects on fertiliser prices—are having an impact on the current planting season in Africa. That is why we continue to work closely, not simply with the World Food Programme on emergency food supplies, but with the World Bank, which is establishing a trust fund, and other international agencies to ensure that supplies are provided during the narrow window available for the next growing season. When in Rome, I took the opportunity to make clear our commitment to social protection and cash transfer schemes, which can make a difference in ensuring that smallholders are able to sustain their livelihoods even in these challenging times.

John Battle (Leeds, West) (Lab): At the meeting in Rome, was there discussion of the current drought in Ethiopia, which has left 3.4 million people without food or food aid? What can our Government do to help?

Mr. Alexander: I can give my right hon. Friend the assurance he seeks. As a matter of urgency, I discussed the emerging problems in Ethiopia with Josette Sheeran, the director of the World Food Programme. As a Department, we have already committed £5 million to the first flash appeal for Ethiopia by the World Food Programme. In addition, we anticipate that the Government of Ethiopia will issue a further appeal this week and we shall be providing up to £10 million in response to that appeal when we receive it.

Mr. Gary Streeter (South-West Devon) (Con): I warmly welcome the recent summit in Rome and the fact that extra money was pledged to help with food security in countries that need it most—not least the extra £590 million from the United Kingdom that the right hon. Gentleman was able to pledge, which is most welcome. Can he tell us how he will make sure that the money gets through to farmers and food producers in time for the planting season and that it will not be siphoned off by Governments, as we well know can occur?

Mr. Alexander: A significant portion of the money that was announced is going into agricultural research. I arrived in Rome with a clear sense that we face three fundamental challenges—short, medium and long term. The short-term challenge is to make sure that we get immediate humanitarian relief to the up to 850 million people around the world who are vulnerable to hunger as a consequence of rising food prices. That is why we are working both with the World Bank and, in particular, to support the World Food Programme initiatives. Secondly, in the medium term, we need a successful conclusion to the Doha development round and we continue to champion that cause in international venues. Thirdly, we need a significant uplift in agricultural productivity, principally in sub-Saharan Africa, which is why we, as a Department, have committed up to £400 million to agricultural research over the coming years.

Tony Lloyd (Manchester, Central) (Lab): Does my right hon. Friend accept that market mechanisms will fail farmers in Africa and other parts of the world? Although it is right and proper that we pursue the Doha round and advances in agricultural technology, there should nevertheless be recognition of the need for proper protection for smaller and more marginal farmers if we are to guarantee local food security in marginal parts of the world.

Mr. Alexander: Of course we want protection and adequate supplies to be provided to those in need of either food or finance for subsistence, but three factors accounted for India's success in its agrarian revolution, to draw once again on that example. The first factor was improved infrastructure, the second was improved irrigation and the third was improved seed technology. That seems to hold powerful lessons for Africa, where there has been a decline rather than a rise in the rate of agricultural productivity in recent years. That is why we have placed such an emphasis on agricultural research for the years ahead.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): As the Chairman of the International Development Committee made clear, shipping food to stress areas can often distort markets and undermine local production. Should not the key lesson for us from the Rome conference be that cash transfers and prioritising local, or at least regional, food purchases help to protect the most vulnerable from the dramatic price hikes taking place around the world?

Mr. Alexander: We often talk about consensus across the House on development issues; this would seem to be an example of an issue on which there is such consensus. We have been strongly encouraging the World Food Programme, in particular, to move towards local sourcing of food supplies instead of using its more traditional mechanism, which is to bring in wheat, often from America, or other supplies from around the globe. I do not think that the choice is between seeing an improvement in the functioning of the international agriculture market—that is why we want progress on the Doha round—and making sure that immediate emergency assistance is provided in the way that most supports the development of the local economies where food aid is provided.

Barry Gardiner (Brent, North) (Lab): The Secretary of State is aware that for every 1 per cent. rise in food prices, an extra 16 million people go to bed hungry each night. Is he aware of the World Bank's latest research, which shows the link between biofuels and the land-use change that is causing the rise in food prices? What discussions has he had with his colleagues in the Department for Transport about the renewables obligation in that respect?

Mr. Alexander: The role of biofuels was of course an issue of some dispute at the Rome summit. A speech was made by President Lula, for example, who offered a strong defence of what he called the right type of biofuels. Much of the debate about biofuels, which needs to be better understood, is long on anecdote and short on fact. That is why the British Government have initiated the Gallagher review and I assure my hon. Friend that we are in discussions with the Department for Transport on that review. The Chancellor of the Exchequer has urged the World Bank to take forward work on understanding the impact of biofuels on land use and, more widely, on social sustainability. We are also in dialogue with the European Commission to see whether we can establish a European position on the issue.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): On that latter point, I hope that the right hon. Gentleman will ensure that the subject is discussed with President Bush when he visits this weekend. The right hon. Gentleman will be aware that the World Food Programme produced a report this week that highlights the fact that in recent years, as prices for commodities have soared, the volume of aid provided has declined steeply. On food aid, will he give a commitment that his Department's purchasing power will be maintained, so that we can ensure that as prices continue to soar, the volume of British aid will not decline?

Mr. Alexander: In terms of the volume of British aid, the budget for the Department for International Development was set in the comprehensive spending review last July, and it remains the same. However, the hon. Gentleman is right to recognise that, in light of rising food prices, we need to consider where we need to do more in individual countries. That is why we have already supplemented the long-term support that we are offering to the people of Ethiopia with £5 million for humanitarian supplies that are partly in recognition of the significant rise in food prices that has taken place.

The hon. Gentleman is also right to recognise that there appears to be a clear correlation between rising input costs, principally those for oil, and the level of hunger being witnessed; that point was made to me by Josette Sheeran when I met her in Rome. She said, "If I look at the oil price, I can immediately tell how many more poor people we will be dealing with through the World Food Programme." That is why I welcome the latest commitment that the Gulf states have given to support the flash appeal from the United Nations World Food Programme. I hope that that pattern will be continued in the years ahead.

Non-Governmental Organisations (Iraq)

2. **Mr. David Anderson** (Blaydon) (Lab): What support his Department is providing to non-governmental organisations in Iraq. [209994]

The Parliamentary Under-Secretary of State for International Development (Mr. Shahid Malik): Since 2004, the Department for International Development has provided £20.5 million to strengthen Iraqi civil society. Recipient organisations have included those working on minority and women's rights, as well as wider human rights. Current support includes a programme run by the BBC World Service Trust to foster an independent media in Iraq. DFID is also providing £17 million this year for humanitarian assistance, much of which is allocated, either directly or through the UN, to non-governmental organisations in Iraq.

Mr. Anderson: I thank the Minister for that response. Is he aware that last year his Department withdrew funding from support for trade union development in Iraq because of the

"sectarian violence engulfing the country at the moment"?

Clearly, the security situation is better now. Will he agree to meet trade unions from Iraq and Britain to try to move the issue forward again?

Mr. Malik: Trade unions are a vital part of any democracy. That is why my hon. Friend is right to say that, between 2004 and 2007, DFID provided through Unison training for trade union leaders and helped to establish a trade union resource centre in Iraq. This programme came to a natural end in 2007, which coincided with a spike in violence preventing us from renewing the programme. Since then we have successfully focused on supporting the Iraqi Government to provide essential services to their own people and stimulating private sector investment. In April, I met Governor al-Waili, the governor of Basra, who expressed his optimism about the future of Iraq. I assure my hon. Friend that as security improves, we will continue to assess how we can best support increased prosperity and stability in Iraq, including opportunities to work with trade unions.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): According to *The Independent* on 6 June, the Federal Reserve Bank of New York holds £25 billion worth of Iraqi oil reserves, so what are the British Government doing to facilitate the release of some of that money, in a planned programme, to the Iraqi Government and to the NGOs involved, in order to relieve suffering in a country where 2 million people have been displaced from their homes and millions more lack basic services? Would that not help to establish much greater stability in that country, where the people have suffered for far too long?

Mr. Malik: The hon. Gentleman is right to focus on the suffering of the people of Iraq. That is why, since 2003, the Department and the Government have provided £149 million in humanitarian assistance. With respect to the US Federal Reserve, it is not for us to comment on negotiations between the US military and the Iraqi Government. Needless to say, we are in close contact with the US and Iraq as they formulate their views on the detail and structure of their long-term relationship. I assure the House that we will ensure that future civilian assistance and any future military assistance to Iraq will be based on a sound legal and political footing.

Burma

3. **Tony Baldry** (Banbury) (Con): What recent assessment he has made of the humanitarian situation in Burma; and if he will make a statement. [209995]

The Secretary of State for International Development (Mr. Douglas Alexander): Although access has improved, the situation remains extremely grave. The United Nations estimates that relief has reached 1.3 million of the 2.4 million people affected. Although there has been progress in access, more than 1 million people remain in need. Our priority therefore remains to get assistance to those who need it. We will continue to work with the UN to maintain pressure on the Burmese regime to meet its commitments.

Tony Baldry: If a Government, by wilful neglect, caused the loss of thousands of lives of a single ethnic group, that would be genocide. The loss of tens of thousands of lives caused by the Burmese Government hindering the international cyclone relief effort is seen by various members of the Security Council as simply an expression of Burma's national sovereignty. Does the Secretary of State agree that if Russia and China persist with that view of humanitarian relief, we will have an increasingly dysfunctional and fractured world?

Mr. Alexander: Of course, we want to see all Governments meet their obligations towards their people, not least in circumstances of a humanitarian crisis on that scale. I assure the hon. Gentleman that the United Kingdom Government have been at the forefront of efforts to raise the issue within the United Nations. I welcome the fact that the UN Secretary-General will be briefing the Security Council in the days ahead, following his visit to Burma. I can further confirm that we strongly urged the Secretary-General to take a personal interest in Burma and to visit Burma, not least given our concerns as to the importance of the crisis and on dealing with the crisis for the UN system more generally. Only yesterday, I spoke with the UN emergency co-ordinator, John Holmes. I also spoke to Dr. Surin, the secretary-general of the Association of South East Asian Nations, and urged both of them to continue their efforts through the UN-ASEAN bridge to ensure that, limited though it has been, we see significant uplifts in the level of access in the days ahead.

Mr. Jim Devine (Livingston) (Lab): Will my right hon. Friend tell me what agencies our Government are working with?

Mr. Alexander: We are working with long-established partners such as the Red Cross, Save the Children and Merlin, a range of organisations that have access to Burma. I assure my hon. Friend that we have worked hard to ensure that the aid that we are providing to those aid agencies is received by those aid agencies.

John Bercow (Buckingham) (Con): Given that anyone seeking to channel aid privately to cyclone victims in the Irrawaddy delta region is certain to face arrest, intimidation or at the very least obstruction, and that the Government of Burma preposterously are now claiming that they are ready to move from the relief phase to the reconstruction phase, what steps is the Secretary of State taking to ensure that British funds provided for the relief of suffering are not siphoned off by one of the most sadistic military dictatorships in the world in order to enrich itself rather than to help the people?

Mr. Alexander: I can give the hon. Gentleman the assurance that I hope he seeks; we are mindful of exactly that challenge. We have systems in place and are working continuously to ensure that the natural generosity of the British people is matched by the effectiveness of the aid that they are contributing through a range of organisations. As to whether we are now in the reconstruction rather than the relief phase, I have been categoric that, given the present level of unmet need, there is still an urgent requirement for international humanitarian agencies to provide emergency relief.

Mr. Gregory Campbell (East Londonderry) (DUP): The Secretary of State said that the UK is at the forefront of endeavours regarding Burma. Can he give us tangible expressions of the improvement in the situation since we came to the forefront between four weeks ago and today in terms of the level of humanitarian aid to the people of Burma?

Mr. Alexander: Let me give a couple of examples to the hon. Gentleman. We are the largest donor with contributions of £27.5 million, which manifests itself in 22 relief flights that have now landed in Burma thanks to the efforts that have been made. In terms of improvements, 10 World Food Programme helicopters are now operating within Burma, which we have been urging on and demanding of the Burmese Government for many days now. I hope that the fact that we now have airlift capability within the country will lead to a significant improvement in the effectiveness of the delivery of aid within the country.

Mr. Lindsay Hoyle (Chorley) (Lab): Will my right hon. Friend ensure that the aid reaches those who need it within Burma, but that the aid workers are protected? At the same time, the big challenge is how we get a regime change by working with the likes of India and China. That is what we really need in Burma.

Mr. Alexander: When I met the UN Secretary-General when I attended the international conference at his request, I strongly urged him to visit Burma again this year, and I anticipate that he will return to Burma and maintain a close interest in this issue. If he does so, I hope that the focus of his visit will not be exclusively on humanitarian issues, but more broadly on the continuing political crisis afflicting the country.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): Despite the junta's promise to the Secretary-General to grant full access to aid workers, it is clear that insufficient aid is getting through. Indeed, victims are being forced out of the makeshift camps. The Department's own website makes it clear that only 15 travel requests for internationals were accepted in the time between the Rangoon conference and 4 June. Can the Secretary of State reassure the House that the international community has not merely had the wool pulled over its eyes by the Burmese generals?

Mr. Alexander: I assure the House that we continue to focus on this issue. I share the hon. Gentleman's concern in terms of the level of access that the international community wants, but, as I say, I have held further discussions within the past 24 hours with the emergency co-ordinator of the UN, John Holmes, and I have also spoken directly to Dr. Surin, the secretary-general of ASEAN. We will continue to focus on this issue to get the relief aid to those who so desperately need it.

Sexual Violence (Democratic Republic of the Congo)

4. **John Barrett** (Edinburgh, West) (LD): What projects his Department is undertaking to seek to reduce levels of sexual violence in the Democratic Republic of the Congo. [209996]

The Parliamentary Under-Secretary of State for International Development (Gillian Merron): The UK Government programme to tackle sexual and gender-based violence includes £2 million of support to eastern DRC to promote justice, and £4 million to the International Committee of the Red Cross. The UK also funds medical and psycho-social care for victims, and we are working to reform the security and justice sector.

John Barrett: Rape has been used a weapon of war in the Congo, but now general lawlessness has broken out throughout the country. What can the Department do to strengthen the judicial system there and to make sure that women are a key part of that system?

Gillian Merron: The hon. Gentleman is quite right that rape is used as a weapon of war, but it has now gone beyond that in the DRC. It is used to humiliate and terrify, tearing up families and communities. We are working on a major programme to reform the security and justice sector. We need a well-run, trusted and accountable police force, army and supporting civil service; we are ensuring that victims also support the legal process; we are training magistrates; and we are lobbying for more prosecutions.

Ann McKechin (Glasgow, North) (Lab): My hon. Friend—*[Interruption.]*

Mr. Speaker: Order. The hon. Lady should be heard. It is unfair that all these conversations are going on.

Ann McKechin: My hon. Friend will be aware that it is absolutely essential that women are involved in any solutions to achieve security in areas such as the Democratic Republic of the Congo. The United Kingdom has been ahead of the game in having a national plan on United Nations Security Council resolution 1325, but as yet, none of the international forces, either at NATO or UN level, has such a plan. Will my hon. Friend persuade international forces that now is the time to prepare a UN plan on Security Council resolution 1325?

Gillian Merron: We will certainly continue our efforts. I agree with my hon. Friend that what we see in the Democratic Republic of the Congo are some of the highest rates of sexual violence against women and girls in the world, so our commitment to tackling the issue is absolutely crucial. Underlying all that is our dealing with the root causes of the conflict and addressing the humanitarian situation there. In all those ways, we also seek to empower women to take control over their own lives.

Mark Pritchard (The Wrekin) (Con): Although I welcome the arrest of former Vice-President Jean-Pierre Bemba Gombo of the Democratic Republic of the Congo, will the Minister commit the British Government to working closely with the International Criminal Court to ensure that others in Kinshasa, and also Bangui, are brought before the court?

Gillian Merron: I certainly will draw those comments to the attention of my right hon. Friend the Foreign Secretary

Zimbabwe

5. **Ann Clwyd** (Cynon Valley) (Lab): If he will make a statement on the humanitarian situation in Zimbabwe. [209997]

The Secretary of State for International Development (Mr. Douglas Alexander): The humanitarian situation is deteriorating. Four million people relied on food aid last year. The fact that President Mugabe has now stopped aid agencies from distributing food and engaging in other humanitarian activities is indefensible. That decision by Mugabe has impacted on 2 million people already, and as we approach the hungry season, that number could rise to 4 million or even higher.

Ann Clwyd: While I was in South Africa a few weeks ago, Zimbabwean refugees handed me a note for 10 million Zimbabwean dollars. That buys a bag of tomatoes in Zimbabwe. Now Mugabe is prepared to starve his people to death for their votes. What kind of human being is President Mugabe?

Mr. Alexander: It is morally indefensible to use the threat of hunger as a political weapon, and that is exactly what Robert Mugabe has shown himself to be willing to do in recent days. Hyper-inflation is but one manifestation of the chronic misrule that he has visited on a country that was previously the bread-basket of southern Africa. That is why I took the opportunity last Thursday to meet in South Africa both the Government of South Africa and the president of the African National Congress to press them to continue to engage with that vital international issue.

Sir Nicholas Winterton (Macclesfield) (Con): Is not the Secretary of State desperately saddened that Robert Mugabe, who lost the presidential election in Zimbabwe, should strut the stage at the Food and Agriculture Organisation conference in Rome, particularly as he is denying to his country and its starving people access to the aid that so many countries and aid agencies want to provide to help the people of Zimbabwe?

Mr. Alexander: Mugabe's attendance was not only inappropriate but, in light of his subsequent actions, morally repugnant. The fact is that somebody who is willing to use the threat of starvation has little credibility or authority to lecture anybody on food prices or production. There is little comfort regarding the current situation in Zimbabwe, but my comfort is that a matter of weeks after the first election, even Robert Mugabe and his closest associates have been unable to claim that they were chosen by the people of Zimbabwe in that last election. We continue to be committed to ensuring that the people of Zimbabwe are able to have their democratic will expressed in their choice of Government.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): Can my right hon. Friend tell the House what impact the Government's new strategy will have on tackling HIV/AIDS in Zimbabwe?

Mr. Alexander: We launched the latest HIV/AIDS strategy for the British Government only last week. Zimbabwe is one of the countries in southern Africa that has been most devastated by that affliction. I will ensure that a copy of the report is provided to my right hon. Friend so that he is fully updated on the actions that we are taking.

Sexual Exploitation of Children

6. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): If he will make representations to the United Nations to investigate allegations of sexual exploitation and abuse of children by UN workers and others engaged in humanitarian programmes. [209998]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): The UK takes all allegations of misconduct by peacekeepers and aid workers seriously. We fully support the UN Secretary-General's zero-tolerance policy towards sexual exploitation and abuse and we work to ensure that the highest standards of conduct are required of UN personnel.

Mr. Crabb: I thank the Minister for that reply. However, we have been here before. The UN talks of zero tolerance, but not a single prosecution has ever been brought against a UN peacekeeper or UN member of staff for the kind of abhorrent crimes identified by Save the Children last week. So will the Minister today promise that not one additional penny of British aid will go to the UN until he receives an assurance from the Secretary-General that he will get a grip on his organisation and prevent members of his personnel from hiding behind legal immunity to carry out such crimes against the children they are mandated to protect?

Mr. Thomas: There has been a significant improvement in the UN's response to these allegations. The Save the Children report is nevertheless a timely reminder of the need to continue to do more to promote the highest standards among all humanitarian workers and peacekeepers. We will meet the UN Secretary-General next week and raise with him again the issues in the Save the Children report.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [209948] **Mr. Greg Hands** (Hammersmith and Fulham) (Con): If he will list his official engagements for Wednesday 11 June.

The Prime Minister (Mr. Gordon Brown): Before listing my engagements, I am sure that the whole House will wish to join me in sending our profound condolences to the families and friends of Privates Nathan Cuthbertson, Daniel Gamble and David Murray of the Parachute Regiment, who were killed in Helmand province, Afghanistan, on Sunday. The risks they bear and the sacrifices they have made are in our thoughts, not just today but every day, and we owe them all a great debt of gratitude.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Mr. Hands: May I join the Prime Minister in offering condolences to the soldiers' families?

The biography on the Prime Minister's website records no achievements in the past year, but it does boast about his popularity as a schoolboy. We are told that he "joined in every aspect of school life, quickly becoming popular". Given the Stalinist adulation from the past, can he explain why this week he has become Britain's least popular Prime Minister ever?

The Prime Minister: I shall leave the schoolboy politics to the hon. Gentleman. On a day when we are debating national security, I would have thought that he could do better than that.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I am sure that the whole House would wish to be identified with my right hon. Friend's comments about the brave soldiers who lost their lives in Afghanistan.

Does my right hon. Friend agree that the question of up to 42 days' detention for terrorist suspects is more a matter of practical necessity than high principle?

The Prime Minister: It is a matter of necessity because of what the police and the security services have told us. Every senior policeman and every senior member of the security services has told us—*[Interruption.]*

Mr. Speaker: Order. We are going to begin today by allowing the Prime Minister to speak. *[Interruption.]* Order. I have told the hon. Member for Beverley and Holderness (Mr. Stuart) before not to interrupt the proceedings, and I have often told him that he has defied the Chair. He will not do it today, or he will be out of the Chamber.

The Prime Minister: I would have thought that there would be agreement across the whole House that the first duty of a Government is to protect the national security of our country. I would be failing in my duty if I did not report to the House the advice of the police and security services, but I was about to go on to say that I do not rely on that entirely. We have seen in the recent cases that have come before us the amount, sophistication and complexity of evidence that has to be assessed. I refer the House to the airport case in 2006, in which there were 400 computers, 8,000 CDs and 25,000 exhibits. That is why some of the people who were detained were detained for 27 days. I have no doubt that the sophistication and complexity of these cases will require us to do more in future years. That is not only the advice of the police—that is the judgment that I make from having to look at terrorist cases every week.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to Privates Cuthbertson, Gamble and Murray of 2 Para, who were killed on Sunday. Every week, quite rightly, we stand here and read out the names of those who have fallen, and we must remember every week that behind every name are family and friends who are suffering the loss of a loved one. The Prime Minister and I have both visited Afghanistan. We know that our soldiers are doing incredible work in difficult conditions on our behalf, and, quite simply, they are the best of British.

I am sure that the Prime Minister will agree with me that it is clear why we are there. If we go, the Taliban come back, the training camps come back and there will be more terrorists on British streets. But after seven years of work in Afghanistan, can the Prime Minister give us a frank and candid assessment today, not just of where we are doing well, but where much more work needs to be done?

The Prime Minister: I agree with what the right hon. Gentleman says about the contribution of our troops and the bravery of all our servicemen and women who serve in Afghanistan and every theatre of the world. In Afghanistan, we are making progress in training the Afghan army and police, and in building economic and social development, which means that people in Afghanistan have a stake in the future. In the Afghan elections, 70 per cent. of registered voters voted, so Afghanistan became a democracy, and it was shown to be so by the elections. When the Taliban were in power, there were only 2 million children in education—none of them girls. Today, there are 6 million children in education and 2 million of them are girls, which is a result of the changes that we are making.

I agree with the right hon. Gentleman that this is a long haul, but our duty is to stop the Taliban ever gaining power again and to stop al-Qaeda making inroads into Afghanistan. That is why 43 countries are part of the coalition in Afghanistan.

Mr. Cameron: I thank the Prime Minister for that answer. I have seen the work of training the Afghan army, which is fantastic, and I have seen some of the schools that have been built, but is there not a risk that, while we are winning militarily in Afghanistan, we are losing at least parts of the country? Has he heard the reports that the security situation around Kabul is deteriorating, and that corruption is paralysing the work of the Afghan Government? I am even told that some of the roads that we have built are being used by the Taliban and other bandits to extort money from ordinary Afghans, who are too terrified to use them. It is now six months since the Prime Minister made a full statement in the House about Afghanistan. Does he not agree with me that one of the lessons from Iraq is that it is only by being candid and frank, and by giving regular updates, that we can take the British people with us in this vital task?

The Prime Minister: I am very happy to give the right hon. Gentleman regular updates of what is happening in Afghanistan, and the Secretary of State for Defence has just returned from Afghanistan where he was looking at the situation on the ground. Nobody is saying that the position in Afghanistan is easy, and everybody knows that in the spring attacks by the Taliban start again, but last year, because of the action against drugs and heroin, the number of poppy-free provinces doubled to 13. We hope this year to see more progress. It is not a case of things going backward; it is a case of us seeing progress. Our strategy, set out in December, which was the "Afghanisation" of the army and the police force, with people being trained by British forces and other troops, and with the police being trained through an operation led by the German police, is gaining ground. Our aim is that Afghans take more and more responsibility for their own affairs. We are able to tackle corruption by

opening up local as well as national Government, and we invest, as we have in the dam project, in the economic and social development of Afghanistan.

I have to say to the right hon. Gentleman that if he is doubting the reason for being there—[HON. MEMBERS: "Oh!"] Okay, the reason for being there is that we cannot allow the Taliban to get back into power, and we cannot allow al-Qaeda to get a grip on the province.

Mr. Cameron: I do not think that there is a big level of disagreement. All I am saying is that this is the No. 1 foreign policy priority and the No. 1 national security priority, and we must make sure that everything that the Government do reminds the nation of that.

I turn to the issue of the Government's proposal to ask MPs to vote tonight on holding people for six weeks before they are charged. This is an enormous step to take, and we need the strongest possible evidence before the Government can take it. How can the Prime Minister think that the case has really been made, when his own Director of Public Prosecutions—the very man responsible for prosecuting terrorists and the man who carries the can if it does not happen—does not support the measure?

The Prime Minister: We have made a judgment, after looking at all the evidence, including the evidence from the police and security services, that this is the right thing to do. I would not want to have to come to the House in a moment of emergency and ask for extraordinary powers, when we could, in a period of calmness, build in a process that will not give the oxygen of publicity to terrorists when we have to take action. The right hon. Gentleman said:

"When it comes to our national security, I will always listen to the police and security services, and take their advice with the utmost seriousness."

Ken Jones, the head of the Association of Chief Police Officers, has made it clear what the police think about the proposal. Hugh Orde, the Chief Constable of Northern Ireland, has made his position clear. Lord Stevens, the man the right hon. Gentleman says he listens to on police matters, says in *The Times* today that

"there will be really exceptional cases where the Police Service will need to go beyond 28 days."

Taking into account the advice of the police and security services, but also looking at the weight, complexity and sophistication of the evidence that must be examined, it seems to me that we should put in place the legislation in a moment of calm. I do not want, in a moment of panic, for people to have to come to the House to bring in emergency legislation.

Mr. Cameron: The Prime Minister says that he does not want to come to the House in a moment of difficulty, but under the concession that he is making that is exactly what he is going to have to do. He would have a stronger argument if he had genuinely lined up, if you like, a phalanx of the police, the prosecutors and the security services in favour of his case, but he has not. Yes, there are a lot of police who support it, but there are a lot who do not. When it comes to the prosecuting authorities, they do not support his case, and when it comes to the Security Service, it has not said that it has asked for this step. The Prime Minister has not made the case that the proposal is necessary. Is there not a danger that as well as being unnecessary, it will be counter-productive? When former Attorneys-General and soldiers who served against the IRA in Northern Ireland are all saying that this sort of measure could help the terrorists rather than hurt them, are we not taking a bad step? Is it not clear that the terrorists want to destroy our freedom, and that when we trash our liberties we do their work for them?

The Prime Minister: The Chief Constable of Northern Ireland does not need lectures about taking on terrorism. What he said is:

"Sadly, the day will come when 28 will not be high enough...but we have to plan for it."

That is precisely what I am saying to the House today. Our first duty is the protection of national security. We fail in our duty if we do not take preventive measures. I say in sorrow rather than anger that it is no use having opposition for opposition's sake. We must take no risks with security.

Mr. Cameron: This party does not need any reminders about the importance of fighting terrorism. The first Member of Parliament I ever wrote a speech for, Ian Gow, was murdered by the IRA. The first Member of Parliament who ever represented me, Airey Neave, is commemorated above that Door, murdered by the IRA. But we will not fight terrorism effectively if we undermine our liberties.

Let us have a look at one of the concessions that the Prime Minister has made. He proposes parliamentary debate immediately following what could be an individual case. Will he tell us how on earth that is going to work? Will Members of Parliament not want to ask the Home Secretary questions that she cannot answer without prejudicing a trial? In his attempt to save the totem of 42 days, has not the Prime Minister made so many concessions that he has an unworkable piece of legislation? Should not every MP in the House be thinking that this issue is not about the future of the Prime Minister but about our liberties, and should they not vote with their consciences?

The Prime Minister: It cannot be both draconian and absolutely useless in dealing with the problem. *[Interruption.]* No. I have to say to the right hon. Gentleman—*[Interruption.]*

Mr. Speaker: Order. I do not know what is disturbing the hon. Member for Northampton, South (Mr. Binley), but I will run the proceedings here.

The Prime Minister: I have to remind the right hon. Gentleman that the former head of counter-terrorism has said that we will undoubtedly need this power. The former head of MI5 says that if 42 days is not adopted, regret it we will. Lord Carlile, the independent reviewer, says:

"My view is that the government is right to extend it beyond 28 days."

The Conservative party's members' website, ConservativeHome, also said this morning:

"A clear majority of the British people favour a longer detention period. We believe that the British people are right. They won't readily forgive any politicians who allow a major atrocity to occur because our detention procedures prove to be inadequate."

The right hon. Gentleman must answer also to members of his own party.

Mr. Cameron: That last bit is so below the level of debate—*[Interruption.]*

Mr. Speaker: Order.

Mr. Cameron: If the Prime Minister is saying that it is popular to announce that you are going to bang up terrorist suspects for longer without charging them, he is right; it is popular, but the point is that we in the House are meant to do what is right. The right hon. Gentleman says that it is impossible to be draconian and incompetent at the same time, but is not that exactly what the Prime Minister has achieved? We have a symbolic assault on our liberty that is unnecessary; we have a change in the law that many people, including the former chief inspector of constabulary, say is counter-productive; and we have a procedure that is unworkable. Is not the only way to describe what the Prime Minister is doing today as ineffective authoritarianism? When there is no firm evidence in favour of extending detention in a free and democratic country, should not a supposedly progressive Prime Minister come down on the side of liberty?

The Prime Minister: The protections for civil liberties built into the Bill are greater than at any time when we have dealt with terrorist legislation. The Director of Public Prosecutions has to approve the order; it has to come before Parliament with an independent legal opinion; the Chairman of the Joint Committee on Human Rights and the Chairman of the Home Affairs Select Committee have to be informed; an independent reviewer has to look at all circumstances of the case; Parliament has got to vote on the issue; and a judge has to look at the case every seven days. The right hon. Gentleman knows perfectly well that the civil liberties protections in this legislation are greater than ever before. I do not like opposition for opposition's sake. We should be facing up to an issue of national security. I would like to have achieved a consensus above party politics, but because it has been impossible to do so, the Government must make a judgment. The judgment is not that this is popular, but that it is right and necessary for the security of our country.

Kali Mountford (Colne Valley) (Lab): I am sure that my right hon. Friend will have been impressed by the incredible courage of Adrian Sudbury, who is using the last weeks of his life to campaign for more bone marrow donors to come forward. I have been impressed by the response so far of the Secretaries of State for Children, Schools and Families and for Health, but what more can my right hon. Friend do to help my friend Adrian to achieve his legacy and help 7,000 people to live?

The Prime Minister: I, too, have met and seen the courage of Mr. Sudbury who, as my hon. Friend says, is using the last few weeks of his life to try to make people better aware of the dangers that result when bone marrow donation is not available. The promotion of the donation of blood, bone marrow and organs is a priority for the Department of Health. We are looking at what we can do. The key issue is whether we can encourage people to be donors. I believe that in the next few months we will be able to put proposals that will assist, if not Mr. Sudbury, many other people who suffer as a result of these illnesses.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I would like to add my own expressions of sympathy and condolence to the family and friends of Privates Nathan Cuthbertson, Daniel Gamble and David Murray.

Does the Prime Minister accept that irrespective of whether this House has seven days or 30 days to approve the extension of the period of detention without charge, it is not possible to provide us with sufficient evidence and information to make that judgment without either making covert intelligence public or jeopardising the legal case against a terrorist suspect?

The Prime Minister: The purpose of this coming before the House is for the Home Secretary to advise us that, in her view, there is an exceptional terrorist threat—a grave terrorist threat that either has occurred or is occurring—and that the need for action is urgent, but that it has not been possible to assemble the necessary evidence to lay charges within the 28 days. It will then be for the House to vote on the commencement order and agree that an exceptional terrorist incident has occurred. It is not the business of the House to interfere in the individual case, but it should be able to vote simply on whether an exceptional and grave terrorist threat has occurred. Given that the right hon. Gentleman and others have referred to the Civil Contingencies Act 2004 in discussing this issue, I would hope that he understands that this is exactly the same problem that has to be faced in respect of that Act.

Mr. Clegg: Everyone knows that the Prime Minister's proposal will not become law—it will be blocked in the other place, the Equality and Human Rights Commission will challenge it in court and the European Court of Human Rights will declare it illegal—so why on earth is he playing politics with our liberties for a Bill that no one thinks is necessary, no one thinks will work in practice and everyone knows will never reach the statute book?

The Prime Minister: The right hon. Gentleman says no one thinks the proposal is necessary, but has he looked at what police chief constables have said? Has he looked at the statements that have been made by those people who have dealt with terrorism? It is quite wrong to say that no one thinks it is necessary. Indeed, a Liberal Democrat candidate in Bristol did a survey of all his constituents: 74 per cent.—*[Interruption.]* Well, 74 per cent. said they were in favour and that

"The complexity of potential terrorist threats means that the police will need the additional time."

It is not only popular; it is necessary and right. There are many people who disagree with the right hon. Gentleman profoundly.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Can my right hon. Friend assure the House that the proposed 42-day detention orders will apply only to those who wish to bring terror to the streets and will not impact in any way on the human rights and civil liberties of decent, hard-working British families, and that they will not have police posted outside their houses in riot gear and not have their villages or communities blockaded, as during the miners' strike? Perhaps colleagues and comrades on this side of the House will reflect on that when they are going through—

Mr. Speaker: Order.

The Prime Minister: My hon. Friend is absolutely right that this is restricted not just to a terrorist threat, but to an exceptional and grave terrorist threat. It is stated clearly in the Bill that this is a reserve power. It is up to 42 days only under the most extreme of circumstances. I repeat to the House that the protections for civil liberties that are built into the Bill, which require the Home Secretary to act and not to have arbitrary treatment, are the greatest that we have seen when dealing with terrorist threats. I believe that we have managed to combine the need to take action that is preventive in case there is a terrorist threat to our country with the protection of civil liberties against arbitrary treatment. That is what we will continue to do.

Q2. [209949] **Mr. David Gauke** (South-West Hertfordshire) (Con): The Prime Minister might not have had an opportunity to see Monday evening's documentary entitled "Gordon Brown, Where Did It All Go Wrong?"— *[Interruption.]* I do not know why Labour MPs are complaining. Half the Cabinet were happy to appear in it, including the Chancellor, who made it clear that, from last summer, he knew that millions would lose out because of the abolition of the 10p rate of income tax. Given that, why did the Prime Minister consistently deny that there would be any losers from his tax reform package?

The Prime Minister: Some 22 million people have benefited from the tax cut that we have just announced. In the 2008 Budget, £3 billion extra went to the poorest sections of our community. I do not think that the House will listen to Conservative Members, who have not even made a commitment to the abolition of child poverty, lecturing us about what is done for the low paid in this country.

Q3. [209950] **Ms Celia Barlow** (Hove) (Lab): I am sure that the House will join me, in national carers week, in my admiration for the 6 million unsung heroes who are looking after their loved ones and in giving thanks for the £225 million of extra Government money announced yesterday, but as life expectancy is increasing, carers are retiring and still looking after their parents. Will the Prime Minister please tell me what extra measures he has in place, and will have in place, for those elderly carers?

The Prime Minister: I was proud to host a reception yesterday for national carers week and to see the publication by the Minister for Social Care of our new carers strategy. There are 6 million people in our country who are giving of their time to care for relatives, friends or neighbours, and they do so in a caring and compassionate way, which makes us proud of the whole people of Britain.

As part of national carers week, we have issued our national carers strategy. That will provide additional money for breaks for carers, respite care, for carers to re-enter the job market if they have been carers in the past and support for young carers. We are looking at the carers grant and what we can do for carers in retirement. We will report back to the House on these matters.

Q4. [209951] **Mr. James Clappison** (Hertsmere) (Con): If the Irish people have been permitted a referendum, why cannot the British people be permitted one? After all, the Prime Minister and other Labour Members stood in the last general election on the basis of a manifesto that promised to put the constitutional treaty to the British people in a referendum.

The Prime Minister: There are 27 countries in the European Union. Only one requires, under its constitution, every item of constitutional change to be put before the people in a referendum. Nine countries proposed a referendum; then the treaty was changed. This treaty does not represent a fundamental change in the constitutional arrangements. That is why the right place in which to debate it was the House of Commons, where we debated it for many days and where the Government's proposals won the vote.

Q5. [209952] **Ms Dawn Butler** (Brent, South) (Lab): Knife crime, mental illness and youth activities are just some of the issues being debated on www.mylifemysay.co.uk, an online discussion forum for young people. Some of those young people will be coming to Parliament to discuss the issues in front of Ministers and Members of Parliament. Will my right hon. Friend assist the discussion by telling them where the money came from to provide free swimming, and whether further money will be available to fund other activities?

The Prime Minister: It is because of our success in running the economy that we have been able to provide additional money for public services. In seeking to provide youth centres in all the constituencies in the country, we are looking at dormant accounts in banks and building societies and discussing them with those organisations. We believe that there are substantial funds that should be made available. We want to use those funds to transform youth facilities in every constituency in the country, just as we have transformed care of the under-fives in the last 10 years.

Mr. Michael Howard (Folkestone and Hythe) (Con): May I give the Prime Minister a third opportunity to answer a fundamental question that he has conspicuously failed to answer twice so far? *[Interruption.]* Can he explain—*[Interruption.]*

Mr. Speaker: Order. Members must allow the right hon. and learned Gentleman to speak.

Mr. Howard: Can the Prime Minister explain— *[Interruption.]*

Mr. Speaker: Order. I said that Members must allow the right hon. and learned Gentleman to speak. The hon. Member for Grantham and Stamford (Mr. Davies) should not be putting his tuppence worth in.

Mr. Howard: Can the Prime Minister explain how the House could debate and vote on the detention of a person without charge for up to six weeks without prejudicing any subsequent trial of that person?

The Prime Minister: The right hon. and learned Gentleman knows a lot about not answering questions. *[Laughter.]* I can tell him that he has misunderstood the legislation. It requires the Home Secretary to present

to the House a statement showing that there is an exceptional and grave terrorist threat and that the need for action is urgent, and she must ask the House to support the action that she has taken. The legislation does not require discussion of the individual detainees; that would be wrong. The purpose of this legislation, like that of the Civil Contingencies Act 2004, is to get the House to agree that these special measures are needed. That is the purpose of the debate, and that is the right way to proceed.

Q6. [209953] **Mr. Mark Hendrick** (Preston) (Lab/Co-op): Will my right hon. Friend join me in paying tribute to the University of Central Lancashire? Since 1828, when it was the Institution for The Diffusion of Knowledge, it has developed into one of the largest universities in the United Kingdom. It now provides education and skills training for more than 21,000 students, 2,500 of whom are in mainland China.

The Prime Minister: I am proud that the number of universities in our country is growing, and that the number of students in our country can grow as a result of the proposals of the Secretary of State for Innovation, Universities and Skills. The University of Central Lancashire, with its 21,000 students, is another university that is giving young people opportunities that they have never had before. I hope that we shall be able to announce the provision of 20 more university campuses, so that every major town and city in the country is properly served by higher education.

Q7. [209954] **Mr. Paul Burstow** (Sutton and Cheam) (LD): Every year 342,000 older people in the country are victims of abuse, including crimes such as intimidation, theft and assault. Tens of thousands of older people with dementia are routinely prescribed unlicensed drugs that keep them sedated and cut their lives short. Will the Prime Minister take action to close the loopholes in the law that allow the victims to go unprotected and the perpetrators to go unpunished, and will he meet me and a delegation to discuss what else needs to be done to tackle elder abuse?

The Prime Minister: I shall be prepared to talk to the hon. Gentleman about this matter. We are about to propose an NHS constitution. Our aim is to guarantee rights to every person who is a patient of the NHS, and I believe that whatever he is revealing about what happens to elderly people can be dealt with as part of the rights in that constitution.

Q8. [209955] **Richard Burden** (Birmingham, Northfield) (Lab): My right hon. Friend the Prime Minister may know that a number of newspapers in Birmingham and elsewhere have suggested in the past 24 hours that the national challenge announced by my right hon. Friend the Secretary of State for Children, Schools and Families will threaten hundreds of schools with closure, including 27 in Birmingham. Will he confirm that that is certainly not the plan's intention and that, rather, the aim is to work with teachers and parents, most of whom are already making huge efforts to do the right thing by children and raise standards? In other words, the intention is to avoid school closures, not the opposite.

The Prime Minister: My hon. Friend is absolutely right. The national challenge is intended to raise every school in this country to a higher standard. In particular, the aim is to deal with failing schools and to make sure that their results are better. Whatever action needs to be taken in terms of replacing head teachers or improving the service is part of the national challenge. I can also tell him that, in this and other areas, more money is being injected into the school system to make that increase in standards possible. We want every school pupil in the country to get the best possible education.

Q9. [209956] **Pete Wishart** (Perth and North Perthshire) (SNP): It is forecast that the Treasury is set to secure a windfall of anything between £4 billion and £6 billion as a result of the increased price of a barrel of North sea oil, yet Scotland has secured absolutely no benefit from that rise. Norway's oil fund is worth some £186 billion, and even non-independent Alberta has an oil fund of £8.8 billion. Given that windfall, surely it is time for a Scottish oil fund. If the Prime Minister continues to say no to Scotland on this issue, the Scottish people will say no to him and goodbye to some of his Back Benchers.

The Prime Minister: We are one United Kingdom, and we share the risks, rewards and resources throughout the UK. It is because we are one United Kingdom that Scotland has 200,000 more jobs than it had in 1997. Scotland has never been better off, as a result of a Labour Government.

DNA Database (Removal of Samples)

12.32 pm

Jenny Willott (Cardiff, Central) (LD): I beg to move,

That leave be given to bring in a Bill to require the removal from the DNA Database of DNA samples taken from individuals who are not charged or are acquitted; and for connected purposes.

Everyone accepts that DNA has been a massive breakthrough in crime detection, helping to solve the crimes of today and also some of the cold cases from 20 to 30 years ago. However, the Government have pursued this breakthrough in a disproportionate way.

The UK has by far the largest DNA database in the world, with 4.5 million people registered. Proportionally, five times more people are on our database than is the case with the next closest country. We think of the US as having a punitive criminal justice system, but less than 1 per cent. of its population is on the US database, whereas we have around 6 per cent. Moreover, it has been estimated that under current laws, the database will expand to include one in four of our adult male population.

The number of children on the database is particularly worrying. At the moment, it is estimated that it contains entries for more than 700,000 people who were under 18 when they were arrested and their DNA was taken. In case hon. Members think that some of them might have deserved what they got, I should add that there are estimated to be more than 100,000 children under 18 on the database who have never been convicted, cautioned or charged with any offence.

I am sure all hon. Members will have seen various crazy cases across the country. There are examples from every constituency. A quick trawl of press clippings threw up the case of three children who were hauled into a police station because they climbed a cherry tree to build a tree house. They were arrested for criminal damage and had their DNA taken, but the case was never taken any further. Another example is the 14-year-old boy who was a victim of mistaken identity when teachers at his school gave police the wrong name after a brawl between pupils.

Even after admitting they had arrested the wrong boy, the police refused to remove his DNA. Whereas in the past schoolboy fights, high jinks and lads climbing trees would have resulted in a stern word and them being taken home, children are now getting criminal records and their DNA is being held on the database for ever.

We should also be worried about the sheer number of ethnic minorities on the database and the racial imbalance. Almost 40 per cent. of black men have their DNA profile held, compared with 13 per cent. of Asian men and 9 per cent. of white men, despite the fact that there is no evidence that black men disproportionately commit crime. In fact, evidence suggests that white men are more likely to offend than black men. This over-representation of black men creates mistrust and continues to fuel problems that are much larger, such as the disproportionate representation of black men in our criminal justice system. Also, problems of race relations, community cohesion and discrimination, either perceived or real, are made worse. Moreover, the situation is getting worse. At the current rate, more than half of all black men will be on the database within two years.

This highlights one of the main objections to holding the DNA of those who are not charged or who are acquitted. One of the fundamental tenets of British justice is "innocent until proven guilty". Refusing to destroy samples taken from those who are never charged or who are later acquitted completely blurs that principle. The DNA database assumes that people will be guilty of something in the future; that is why the samples are kept. This is very Big Brother; George Orwell must be spinning in his grave.

When the national DNA database was created in 1995, only the DNA of convicted offenders could be held, and samples had to be destroyed if the suspect was acquitted or charges were dropped. Because by 2001 the Government were breaking their own law—presumably as a result of incompetence rather than design—the law was changed to allow the profiles of those acquitted of certain crimes to be kept. That was expanded even more in 2004, when samples could be taken from anyone arrested for a recordable offence. By the end of 2005, 200,000 samples that would have been destroyed before 2001 had been retained, and that number has since soared. There are now estimated to be more than 1 million people who have not been charged or convicted on the database—three times the population of a city the size of Cardiff, where I live. Those are 1 million people considered innocent under British law, but considered potentially guilty by the Home Office. By retaining that DNA, the state is saying, "Well, you might not have been convicted, but we think you may commit an offence in future and we want to make sure we can catch you when you do." That is not acceptable.

It is almost impossible, however, for someone to remove their sample from the database. Since the changes in 2004, fewer than 700 people have managed to remove their profiles—700 out of the 1 million innocent people on the database. The police control which samples are removed. People have to apply to the chief constable of the force that took the sample in the first place, who is hardly an independent arbiter. The Government may be forced to change this shortly, as there is a case before the European Court of Human Rights, brought by two men from Sheffield—one of whom was under 18 at the time—who have applied to have their DNA removed on the grounds that they were both cleared and neither has a criminal record. The ECHR is expected to rule this summer, and a finding against the Government could open the floodgates on this issue.

Even if some people might not agree with the civil liberties case for removing the DNA of innocent people, there is a very strong practical case. The Government have already said that they believe that the DNA of the majority of the active criminal population is now recorded, so why the mad rush to take samples from so many other people? The DNA database is not without cost. The costs of sampling increasing numbers, maintaining an expanding database and storing millions of samples will continue to grow.

However, there is very little evidence that these increasing costs will have much of an impact on crime detection. Despite the massive expansion in the number of individuals on the database, the percentage of recorded crimes solved as a result of a DNA match has remained fairly constant; the figures I have seen show it to be below 0.4 per cent. A bigger difference has been made at the other end of DNA matching: at the crime scene. At present,

[Jenny Willott]

fewer than 20 per cent. of crime scenes are forensically examined, and only a small proportion of them yield any biological material that is then tested. Clear-up rates are much higher when DNA is found at a crime scene, so should we not be putting resources into that end of things, rather than into collecting individuals' samples?

One argument often used to justify the keeping of DNA is that it will help to solve cold cases, but that is fallacious. When someone is arrested and their DNA is taken, that should be tested against unidentified crime scene DNA, as is done. That will identify whether they have committed any unsolved crimes, and that is fine, but if they have not, holding their DNA after that point is irrelevant. In addition, the massive cost of holding the samples is borne by police forces. I am sure that I am not alone in thinking that the money might be better spent on front-line policing, to ensure that fewer crimes are committed and our communities are kept safe.

Following the European case, the Government may have to change their policy anyway, but I would like to propose a solution. Some countries, such as Scotland, France and Canada, have legislated against retaining DNA samples from those who are acquitted. I believe we should follow their lead, and remove innocent people's DNA from the database. Samples and profiles should be destroyed if the individual is not convicted or cautioned, although there should be an exception for those accused of a violent or sexual offence. Their samples should be kept—not indefinitely, but for a specified time. In addition, all children under 16, unless guilty of a violent or sexual offence, should have their DNA removed from the database. If we treat them like criminals at such an early age, they may well go on to fulfil our expectations.

We are talking about a huge number of people—1 million of them—whose deeply private information is being held by the Government when they have not been found to have done any wrong. That goes against fundamental British principles, as well as being a massive drain on public resources for little gain, and this Bill would rectify that injustice.

Question put and agreed to.

Bill ordered to be brought in by Jenny Willott, Sarah Teather, Tom Brake, Mr. Paul Burstow, Chris Huhne, David Howarth, Kelvin Hopkins, Keith Vaz, Mr. Gordon Prentice and Mr. Stephen Crabb.

DNA Database (Removal of Samples)

Jenny Willott accordingly presented a Bill to require the removal from the DNA Database of DNA samples taken from individuals who are not charged or are acquitted; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 17 October, and to be printed [Bill 118].

Orders of the Day

Counter-Terrorism Bill

[2nd Allotted Day]

As amended in the Public Bill Committee, further considered.

[Relevant documents: The Second Report from the Joint Committee on Human Rights, on Counter-Terrorism Policy and Human Rights: 42 Days, HC 156, the Ninth Report from the Committee, on Counter-Terrorism Policy and Human Rights: Counter-Terrorism Bill, HC 199 and the Government Response, Cm. 7344, the Tenth Report from the Committee, on Counter-Terrorism Policy and Human Rights: Annual Renewal of Control Orders Legislation 2008, HC 356, the Twentieth Report from the Committee, on Counter-Terrorism Policy and Human Rights: Counter-Terrorism Bill, HC 554, and the Government Response contained in the letter dated 5th June 2008 from Rt Hon Tony McNulty MP, Minister of State, Home Department, the Twenty-first Report from the Committee, on Counter-Terrorism Policy and Human Rights: 42 Days and Public Emergencies, HC 635 and the Government Response contained in the letter dated 6th June 2008 from Rt Hon Tony McNulty MP, the letter dated 4th June 2008 from Rt Hon Tony McNulty MP, on special advocates and control order legislation, the letter dated 4th June 2008 from Rt Hon Tony McNulty MP, on pre-charge detention: 28 days annual renewal, and the letter dated 9th June 2008 from the Chairman of the Committee to Rt Hon Jacqui Smith MP, Secretary of State for the Home Department.]

New Clause 20

Grave exceptional terrorist threat

'(1) In this Act "grave exceptional terrorist threat" means an event or situation involving terrorism which causes or threatens—

(a) serious loss of human life,

(b) serious damage to human welfare in the United Kingdom, or

(c) serious damage to the security of the United Kingdom.

(2) For the purposes of subsection (1)(b) an event or situation causes or threatens damage to human welfare only if it causes or threatens—

(a) human illness or injury,

(b) homelessness,

(c) damage to property,

(d) disruption of a supply of money, food, water, energy or fuel,

(e) disruption of a system of communication,

(f) disruption of facilities for transport, or

(g) disruption of services relating to health.

(3) The event or situation mentioned in subsection (1)—

(a) may occur or be inside or outside the United Kingdom, and

(b) may consist in planning or preparation for terrorism which if carried out would meet one or more of the conditions in that subsection.'.—*[Jacqui Smith.]*

Brought up, and read the First time

12.43 pm.

The Secretary of State for the Home Department (Jacqui Smith): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following: Amendment (a) to the proposed new clause, in subsection (1), leave out from 'which' to end and insert

'amounts to a public emergency threatening the life of the nation, in accordance with Article 15 of the European Convention on Human Rights.'.

Government new clause 21—*Power to declare reserve power exercisable*

Government new clause 22—*Report of operational need for further extension of maximum period of detention*

Government new clause 24—*Notification of chairmen of certain committees*

Government new clause 25—*Statement to be laid before Parliament*

Government new clause 26—*Parliamentary scrutiny*

Government new clause 27—*Parliamentary scrutiny: prorogation and adjournment*

Government new clause 28—*Duration*

Government new clause 29—*Independent review and report*

Government new clause 30—*Amendment to the Civil Contingencies Act 2004*

Government new clause 32—*Independent legal advice*

New clause 1—*Extension of detention under section 41 of the Terrorism Act 2000*—

'(1) The Terrorism Act 2000, Schedule 8, Part III (extension of detention under section 41) is amended as follows.

(2) After sub-paragraph (6) of paragraph 29 (warrants of further detention) there is inserted—

"(7) Nothing in this Part is to be read as requiring the judicial authority to act in a manner inconsistent with the right of the specified person to a fully judicial procedure in Article 5(4) of the European Convention on Human Rights.".

(3) After sub-paragraph (d) of paragraph 31(notices) there is inserted—

"(e) a statement of the suspicion which forms the basis for the person's original arrest and continued detention, and

(f) the gist of the material on which the suspicion is based.".

(4) Before sub-sub-paragraph (a) of sub-paragraph 32(1) (grounds for extension) there is inserted—

"(aa) there are reasonable grounds for believing that the person has been involved in the commission, preparation or instigation of a terrorist offence,".

(5) Sub-paragraph (1) of paragraph 33 (representation) is deleted and there is inserted in its place—

"(1) The person to whom an application relates shall be entitled—

(a) to appear in person before the judicial authority and make oral representations about the application,

(b) to be legally represented by counsel at the hearing,

(c) to legal aid for such representation,

(d) to be represented by a special advocate at any closed part of the hearing of the application, and

(e) through his representative, to cross examine the investigating officer.".

(6) After sub-paragraph (3)(b) of paragraph 33 there is inserted—

"if the judicial authority is satisfied that there are reasonable grounds for believing that the exclusion of the person and/or his representative is necessary in order to avoid any of the harms set out in sub-paragraphs (1) to (g) of paragraph 34(2) below.'".

New clause 2—*Lower threshold for charging in terrorism cases*—

'(1) When deciding whether there is sufficient evidence to charge a person with an offence having a terrorist connection, a Crown Prosecutor may apply the "Threshold Test" for charging if the conditions in subsection (3) below are satisfied.

(2) The "Threshold Test" for charging is met where there is at least a reasonable suspicion that the suspect has committed an offence having a terrorist connection.

(3) The conditions which must be satisfied for the Threshold Test to apply are—

(a) it would not be appropriate to release the suspect on bail after charge;

(b) the evidence required to demonstrate a realistic prospect of conviction is not yet available; and

(c) it is reasonable to believe that such evidence will become available within a reasonable time.

(4) The factors to be considered in deciding whether the Threshold Test of reasonable suspicion is met include—

(a) the evidence available at the time;

(b) the likelihood and nature of further evidence being obtained;

(c) the reasonableness for believing that evidence will become available;

(d) the time it will take to gather that evidence and the steps being taken to do so;

(e) the impact the expected evidence will have on the case;

(f) the charges that the evidence will support.

(5) Where a Crown Prosecutor make a charging decision in accordance with the Threshold Test, the person charged shall be immediately informed of the fact that they have been charged on the standard of reasonable suspicion.

(6) When the person charged on the Threshold Test is brought before the Court it shall be the duty of the Crown Prosecutor to inform the Court of that fact.

(7) The Court shall set a timetable for the receipt of the additional evidence and for the application of the normal test for charging as set out in the Code for Crown Prosecutors.

(8) The Chief Inspector of the Crown Prosecution Service shall report annually on the operation of the Threshold Test in terrorism cases.'.

New clause 3—*Bail for terrorism offences*—

'(1) The Terrorism Act 2000, Schedule 8, is amended as follows.

(2) After paragraph 37 there is inserted—

"PART IV

BAIL

38 The judicial authority with power to extend detention under section 41 has power to release the suspect on bail, with conditions.'".

New clause 31—*Compensation for detention*—

'(1) The Secretary of State must, within twelve months of the date on which this Act is passed, make regulations providing for a compensation scheme ("the scheme") governing payments made to suspects who are detained under the provisions of Schedule [Amendments relating to period of pre-charge detention] and not charged with an offence.

(2) The scheme shall specify levels of payments to be made to suspects so detained and different levels may be set for different periods of detention.

(3) The Secretary of State may by order vary the levels of compensation set by the scheme.

(4) Regulations and orders made under this section are subject to affirmative resolution procedure.'.

New clause 33—*Expiry or renewal of extended maximum detention period: further parliamentary safeguards*—

'(1) The Terrorism Act 2006 is amended as follows.

(2) After subsection (6) of section 25, there is inserted—

"(6A) The Secretary of State and the panel appointed under section 36 must lay annual reports before Parliament on the operation of the extended period of pre-charge detention.

(6B) No motion to approve a draft order under subsection (6) may be made by a Minister of the Crown until one month has elapsed since the publication of the reports laid under section (6A).".

(3) In section 36—

(a) in subsection (1) for "person" there is inserted "panel of persons",

(b) in subsection (2)—

(i) for "That person" there is inserted "The panel";

(ii) for "he" there is inserted "it"; and

(iii) for "his" there is inserted "its";

(c) in subsection (3)—

(i) for "That person" there is inserted "The panel"; and

(ii) for "his" there is inserted "its";

(d) in subsection (4), for "That person" there is inserted "The panel";

(e) in subsection (6)—

(i) for "a person" there is inserted "the persons"; and

(ii) for "his" there is inserted "their".

(4) In section 36, after subsection (1) there is inserted—

"(1A) A person may not be appointed under subsection (1) unless—

(a) the Secretary of State lays a report on the appointment process before both Houses of Parliament, and

(b) a Minister of the Crown makes a motion in both Houses to approve the report laid under this subsection.".'.

New clause 36—*Power to declare reserve power exercisable (No. 2)*—

'An order made by the Secretary of State under section [*Power to declare reserve power exercisable*] shall be treated for the purposes of the Human Rights Act as subordinate legislation and not primary legislation.'.

New clause 37—*Power to declare reserve power exercisable (No. 3)*—

'The grounds on which an order made by the Secretary of State under section [*Power to declare reserve power exercisable*] shall be subject to judicial review shall include—

(a) that a grave exceptional terrorist threat has not occurred or is not occurring;

(b) that the reserve power is not needed for the purpose of investigating the threat and bringing to justice those responsible; and

(c) that the need for the power is not urgent.'.

New clause 38—*Amendment to section 25 of the Terrorism Act 2006*—

'(1) Section 25 of the Terrorism Act 2006 (c. 11) (expiry or renewal of extended maximum detention period) is amended as follows.

(2) After subsection (3), insert—

"(3A) (a) The Secretary of State may only make an order under subsection (3) if she is reasonably satisfied that making the order is necessary for the effective investigation of terrorist offences.

(b) In determining what is necessary for the effective investigation of terrorist offences the Secretary of State must take into account the availability of post-charge questioning, the practice of the Crown Prosecution Service in relation to the weight of evidence required to bring charges and any changes to the relevant law of evidence or procedure since this Act came into force.".

New clause 39—*Habeas Corpus (No. 2)*—

'(1) Nothing in this Act shall prevent or restrict a person who is detained under this Act or a person duly authorised on behalf of that person from making an application to a Justice of the High Court for habeas corpus.

(2) It shall be a condition of the detention that the person detained shall be produced forthwith to a Justice of the High Court or to a senior immigration judge authorised to sit as a member of the Special Immigration Appeal Commission who shall enquire as to—

(a) the circumstances of the detention;

(b) the enquiries that are being made;

(c) the likelihood of the detained person being charged within 42 days of any offence of terrorism or related serious indictable offence.

(3) If the Justice of the High Court or senior immigration judge is not satisfied as to the likelihood of the person detained being charged within 42 days that person shall be released forthwith from detention subject to any conditions the judge may impose.'.

Government amendment No. 4

Government new schedule 1—*Amendments relating to period of pre-charge detention*

Government amendment No. 5

Amendment No. 98, in schedule 2, in page 64, line 25, at end insert—

'(2) "emergency" means a public emergency in respect of which there is a designated derogation from the whole or a part of Article 5 of the Human Rights Convention.'.

Amendment No. 99, page 64, line 26, leave out paragraph 39.

Amendment No. 100, in page 65, line 29, at end insert

'if the following conditions are satisfied—

(a) there is an emergency;

(b) making the derogating power available is strictly required by the emergency; and

(c) the availability of the derogating power is consistent with the UK's other international obligations.'.

Amendment No. 101, page 66, line 6, leave out sub-sub-paragraph (b).

Amendment No. 102, page 66, line 8, leave out 'that the Secretary of State is' and insert

'the Secretary of State's reasons for being'.

Amendment No. 103, page 66, leave out lines 9 to 15 and insert—

'(a) that there is an emergency;

(b) that making the derogating power available is strictly required by the emergency; and

(c) that the availability of the derogating power is consistent with the UK's other international obligations.'.

Amendment No. 104, page 69, line 6, leave out '30' and insert 'seven'.

Amendment No. 105, page 69, line 9, leave out '30' and insert 'seven'.

Jacqui Smith: New clauses 20 to 22, 24 to 30 and 32, and new schedule 1, introduce amendments to strengthen considerably the safeguards that we want to apply to any future use of the provision in this Bill for a reserve power to extend the period for which terrorist suspects could be held before charge. The Government believe that such a reserve power should be available, for use if necessary, to protect our national security and, most importantly, our people against the threat that we face from terrorism.

That threat is real and serious. First, the threat is unprecedented in scale. Some 65 terrorists have been convicted in our courts since the start of 2007, and there are more than 200 groupings and 200 individuals of concern to agencies in the UK today. Secondly, the threat is more ruthless than any we have faced before. It aims for mass casualties, uses suicide methods, and would use dirty bombs given half a chance.

Philip Davies (Shipley) (Con): Nobody underestimates the threat that we face, but if the Government are so determined to clamp down on the threat from terrorism, why does not the Home Secretary, as a first step, scrap the Human Rights Act 1998, which has done so much to stop undesirable people who may pose a serious threat being kicked out of the country? If she is so serious about this, she should scrap that Act.

Jacqui Smith: As I will demonstrate today, I believe that it is possible to find a way both to safeguard our individual civil liberties and rights and to protect the people of this country—and that is what we are setting out to do.

Thirdly, the threat is more complex and international than ever before. Terrorists living and working in our society have learned how to use technology to cover their tracks. They travel a network, sharing experiences and learning from mistakes. Terrorist plots in this country now almost invariably involve multiple connections to many countries overseas. That alone creates huge technological and logistical challenges for investigators.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): On the issue of 42 days, can the Home Secretary explain why she said a few weeks ago on Radio 4 that she had no idea how many days would be required?

Jacqui Smith: Our starting point has always been not the maximum number of days for which it should be possible to hold somebody, but whether there was a case for more than 28 days at all, and what safeguards should apply. I have been very clear from the outset that there had to be—

Several hon. Members *rose—*

Jacqui Smith: Just a minute. I am responding to the intervention by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd). There will be plenty of time for other interventions.

I have been clear from the outset that there had to be an upper limit so that no individual could be detained indefinitely. The figure of 42 has been arrived at by assessing with the police and others the minimal additional period that, in our judgment, would make a significant difference in the sort of circumstances in which an extension would even be considered.

Keith Vaz (Leicester, East) (Lab): On the issue of the threat, would my right hon. Friend like to comment on the statement made this morning by Lord Stevens about the state of the threat? Will she also confirm that she or her Ministers have discussed the proposals fully with the Director of Public Prosecutions?

Jacqui Smith: The important point that Lord Stevens made this morning is the point that I was about to make about the threat. Given the ferocity of what is planned and the use of suicide methods, the police may well need to step in early to prevent a plot from coming to fruition. It is that combination of factors that means that police may need longer to get to the bottom of who and what is involved and then build a case on the basis of evidence that is admissible in court.

We have discussed this with the DPP and he has given evidence to the Committee chaired by my right hon. Friend the Member for Leicester, East (Keith Vaz) and the Public Bill Committee.

The nature of the threat and the need to intervene early have meant that the police have had to hold a small number of suspects for the full 28 days since the higher limit was introduced in July 2006. It is this that leads our most senior police officers to say, as Lord Stevens and others have, that they can foresee circumstances when it may be necessary—in order fully to investigate and charge—to hold terrorist suspects for more than 28 days.

Mr. Dominic Grieve (Beaconsfield) (Con): The Home Secretary is aware that the current system for charging places the responsibility for making that decision firmly in the hands of the Crown Prosecution Service. It is on the CPS that the responsibility falls. If the facts given by the Home Secretary mean that police fears are justified, why have the police been unable to persuade the CPS that there is any necessity for the extension? The CPS has to make those decisions, and will continue to have to make them.

Jacqui Smith: It is the responsibility of this House and the Government to make a judgment and to bring forward laws that will then be implemented. If the hon. and learned Gentleman were ever in government, I would be very surprised if he then wanted to take a different approach.

I have described the risk. We cannot wish that risk away, and we should not try to.

Several hon. Members *rose—*

Jacqui Smith: I shall give way in a moment. The risk has been identified, and it is for us as law-makers to take the necessary precautions to respond to and cover the risk.

Mr. John Baron (Billericay) (Con): On the issue of complexity, the Madrid bombings involved 29 suspects, investigations spanning seven countries, 300 witnesses and tons of evidence in electronic and paper form. Why did the Spanish authorities need only five days to bring charges, when the Home Secretary is arguing for 42?

Jacqui Smith: As many people have made clear during the course of the debate, there are fundamentally different systems in different countries with different thresholds

[Jacqui Smith]

for charging. In Spain, 14 people were arrested in January this year. It was only last week that they reached the stage equivalent to our charging, which means that a form of preventive detention was used that lasted 138 days. There are very different systems in different countries.

There are those who say that the advice of the police is not enough. I agree. Their voice is important, but it is not the only one. Striking the right balance between civil liberties and the rights of all our citizens to live free from terrorist attack evokes strong views. It is important to us all. That is why it has been important to me to consult closely.

Mr. Oliver Heald (North-East Hertfordshire) (Con): If the Home Secretary wants to use this power only in grave and exceptional terrorist cases, why is she not prepared to do so under emergency powers? Is it because she does not want the safeguards in the Civil Contingencies Act 2004? That is what lawyers think. It is also what David Pannick thinks, and it is what I think. Is that not the truth?

Jacqui Smith: Although I have great respect for what the hon. Gentleman says and thinks, let us make it quite clear that the Civil Contingencies Act—*[Interruption.]* No, I am afraid that it is not right. The Civil Contingencies Act would not contain any of the individual safeguards with regard to the review of extended detention by a judge that our proposals include, so it would be more draconian than our proposals.

Mr. William Cash (Stone) (Con): The Home Secretary might have noticed that I have tabled a new clause relating to habeas corpus. Does she accept that habeas corpus depends on whether a person is being lawfully detained? If a person was being lawfully detained under the provisions of the Bill, habeas corpus would not apply. Does she accept the proposals in principle that lie behind my new clause, which would ensure that habeas corpus was available and that the judge would decide the question of whether a person should be detained?

Jacqui Smith: I agree with the principle argued by the hon. Gentleman. It is the principle behind habeas corpus, which is that the court must determine whether it has the power to detain a person. That is already enshrined in schedule 8 to the Terrorism Act 2000, which is the basis of our proposals in our provisions. A detainee will need to be brought before the court after 48 hours of detention and then at least every seven days after that. He or she therefore cannot be detained beyond 48 hours other than on the authorisation of a judge. The hon. Gentleman makes an important point about the principle of habeas corpus, which is enshrined in the principles of the proposals that we are putting forward.

Several hon. Members *rose—*

Jacqui Smith: I am going to make a little progress now. As I said, it has been important for me to consult closely with colleagues from all parties, with the Muslim community and with organisations such as Liberty, and to design proposals to get that balance right.

Mr. Mohammad Sarwar (Glasgow, Central) (Lab): I want to thank the Home Secretary and my right hon. Friend the Prime Minister for the various meetings we have held to address the concerns about the impact that counter-terrorism legislation has on law-abiding British Muslim communities. What safeguards can my right hon. Friend guarantee to ensure that individuals who are arrested and detained for more than 28 days are fully compensated for the immense damage done to them and to their families and communities?

Jacqui Smith: I am glad that my hon. Friend has been willing to engage in such a constructive way in ensuring that we deliver provisions that safeguard all our people regardless of their background. He identifies the wholly exceptional nature of holding anybody in detention beyond 28 days and for up to 42 days. I know that he, like others in the community, has expressed concern about those who have subsequently been released without being charged, and because of the representations that he has made, I have asked my officials to develop an ex gratia scheme that, because of the exceptional circumstances, would be available to compensate those who had been detained and then released without charge, or who had faced any other executive action. I hope that that offers my hon. Friend some reassurance, both about the exceptional nature of our proposals and about the fact that they are designed to protect all our communities, regardless of their background.

Several hon. Members *rose—*

Jacqui Smith: I shall make a bit of progress.

This is a good example of the consultation and the work that we have been willing to undertake to design the proposals so that we get the balance right. My right hon. Friend the Minister for Security, Counter-Terrorism, Crime and Policing and I have been doing that for the best part of a year. In fact, my right hon. Friend has been doing it for longer. Anybody who compares our initial proposals from last July with what we are proposing now will see how far we have moved. We are not proposing a permanent, automatic or immediate extension to pre-charge detention beyond 28 days. Instead, the Bill contains a reserve power that could be used only in exceptional circumstances, only with the support of the DPP, only with the backing of Parliament in a vote in both Houses, and only with strong judicial safeguards, and for a temporary period before it automatically lapsed.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I am listening to what the Home Secretary is saying, but is this not essentially hollow macho legislation that is not so much about keeping terrorists in detention for 42 days but about keeping the Prime Minister in Downing street for two years? If he falls on this tonight, he will be out of Downing street within 42 days.

Jacqui Smith: If people compare that intervention with the approach that my right hon. Friend the Minister of State and I have taken, they will understand where the charge of being hollow and macho should lie.

We have also made it clear that decisions about the detention of individuals will, as I have explained to the hon. Member for Stone (Mr. Cash), be made by a judge.

They will involve a full adversarial hearing with the suspect represented, and each extension will be for a maximum of only seven days.

Mrs. Eleanor Laing (Epping Forest) (Con): On the narrow point about the damage that the Home Secretary is likely to do to the constitutional settlement by giving this House and Parliament an effectively quasi-judicial role, which is what she has just outlined, the doctrine of the separation of powers is a delicate balance, which keeps our constitution effective. She is damaging that balance with the proposals that she is making today.

Jacqui Smith: It is wholly appropriate for Parliament to be given the function of approving an order that commences a piece of primary legislation, and wholly appropriate for the courts to assess on a case-by-case basis, as they will do, whether the police and the CPS need more time to collect and examine evidence, so that once that order is commenced, any given individual can be detained for a longer period. That is a completely appropriate use of the parliamentary role, which is separate from the judicial role in overseeing individuals' detention.

1 pm

Mr. Grieve: I listened very carefully to the Prime Minister's answer to my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) at Prime Minister's questions. The Prime Minister told him that Parliament would debate whether there was a grave and exceptional terrorist threat. I have to say to the Home Secretary that that is not what is said in her amendments. Parliament will be asked to approve an order stating that there is an

"operational need for further extension of"

the

"maximum period of detention".

As the request for the operational need will arise from particular cases, how can that approval be given without the House debating and having information about those specific cases? I am afraid that the Prime Minister is misleading the House on the matter. He may be doing so inadvertently, but that is what he has been—

Mr. Speaker: Order. The hon. and learned Gentleman knows what he must do: he must withdraw that remark.

Mr. Grieve: I apologise, Mr. Speaker. I qualified it; the misleading must have been inadvertent.

Mr. Speaker: Order. The hon. and learned Gentleman should withdraw the remark.

Mr. Grieve: I withdraw the remark.

Jacqui Smith: I think that I made clear what the wholly different functions of Parliament and the judiciary were in the process.

Dr. Nick Palmer (Broxtowe) (Lab): Many of us recognise that in the national interest, in extreme circumstances, a conspiracy may take longer to unravel. We are not tempted to support unprincipled opportunism on this issue. *[Interruption.]* It is no good shouting at me; it is like shouting at the reflection in the mirror. Like my hon. Friend the Member for Glasgow, Central (Mr. Sarwar), I am concerned that if suspects are detained for six weeks, they may have to give up a considerable part of their private lives, and there may be a considerable risk to their jobs and mortgages. Will the Home Secretary confirm that we will give them adequate compensation if they are found to be innocent?

Jacqui Smith: My hon. Friend has raised the point with me before, and I hope that he is reassured by the commitment that I gave my hon. Friend the Member for Glasgow, Central (Mr. Sarwar) about the work now under way to look at taking a wholly exceptional ex gratia approach to compensating those released after 28 days who are subsequently not charged.

In considering the provisions, some have said, "Show me the evidence now that we need 42 days." I have published evidence of the growing scale and complexity of plots. Frankly, the only other evidence that it would be possible to provide would be provided on the day when a terror suspect walks free because an investigation cannot be completed. I am not willing to wait until then to legislate.

Tony Lloyd (Manchester, Central) (Lab): I very much understand the point that my right hon. Friend makes about the evidence that she can give for the need for a period of more than 28 days. It is a matter of practical fact that in one case it took my local police force 27 days, 20 hours and 40 minutes to charge someone. The chief constable is both honest and experienced in terrorism. I asked him whether that period was needed. He said that it was, and what is more, he believes that the time is close when he will need more than 28 days.

Jacqui Smith: My hon. Friend makes a very important point, identifying the challenge facing those whom we task with investigating some of the most serious offences in this country. It is to respond to that that we have brought forward our proposals.

Mr. Robert Marshall-Andrews (Medway) (Lab): The first of the vaunted safeguards is that the power would be used when there was a grave and exceptional terrorist threat. That is defined as circumstances in which there is

"loss of human life…illness or injury…homelessness…damage to property…disruption of a supply of money, food, water, energy…communication… transport, or…health."

Can the Home Seeretary give us an example of something that is not a grave and exceptional terrorist threat?

Jacqui Smith: I am rather disappointed that my hon. and learned Friend has not read the new clause in sufficient detail. The last part of the list that he read out is a qualification of the second part of the first definition. I would have thought that with his legal background, he would have been more careful in reading the new clause.

Sammy Wilson (East Antrim) (DUP): Speaking as someone who comes from a part of the United Kingdom that has suffered very badly from terrorism over the past 30 years, I think that the members of our party take very seriously any threat to national security, and any actions that may give publicity to terrorists. On the power that the Home Secretary is seeking today, if the matter is to be debated in the House every time there is a severe threat, will it not give terrorists an opportunity to get the oxygen of publicity that she so much wants to deny them?

Jacqui Smith: We would bring forward the order that requires a parliamentary debate at times—I believe that they would be wholly exceptional times—when there was a grave and exceptional terrorist threat and it had become clear to the Director of Public Prosecutions and the chief constable that the barrier of 28 days was likely to be met before they finished an investigation. As I have said on many occasions, I believe that that would be wholly exceptional, but when we need the power, it will be extremely important that it is in place.

Several hon. Members *rose—*

Jacqui Smith: I will make a little progress, and then I will give way again.

We have listened to those who say that until now there has been no need to extend the period beyond 28 days. That is why the legislation ensures that there can be no extension of pre-charge detention until and unless the evidence supports it—until there is a "grave exceptional terrorist threat" that might require a longer investigation time.

Mr. Bernard Jenkin (North Essex) (Con): Will the Home Secretary give way?

Jacqui Smith: No. Some have said that we should use the Civil Contingencies Act if we want to detain suspects beyond the current limit. We do not believe that the Civil Contingencies Act, which is designed to deal with events such as floods and pandemics, could legally be used for the purposes of criminal detention, and we certainly need to ask whether the use of that legislation, which would effectively mean the declaration of an emergency, would give a propaganda victory to terrorists; that is the point that the hon. Member for East Antrim (Sammy Wilson) made. Incidentally, the use of that Act would also mean that people could be held in detention not for up to 42 days, but potentially for up to 58 days. That is the basis of my contention that that would be a more draconian approach to dealing with the challenge than the approach that the Government have taken.

Mr. David Winnick (Walsall, North) (Lab): I am grateful to the Home Secretary for giving way; she has been very generous. Will she bear in mind the fact that when the Director of Public Prosecutions gave evidence to the Home Affairs Committee he made the point that if someone was held for 24 or 25 days without at least being charged on reasonable suspicion, it would make the prosecution unsuccessful in many instances? Is that not a factor in deciding whether to go beyond the 28 days? I must say that I am by no means persuaded that there is any justification for what is being proposed.

Jacqui Smith: Of course, because the prosecutors and the police would have such a significant role in determining whether a further investigation would enable someone to be brought to charge, it is their responsibility to provide the Home Secretary with a report, so that consideration can be given to whether to bring in the order.

To return to the Civil Contingencies Act, although we do not think that it is the right vehicle on its own, there are aspects of the approach taken in the Act that we have been able to adapt in the Bill's proposals, such as the need to define the nature of the exceptional circumstances in which the reserve power could be used, and the need to gain parliamentary approval for the use of the powers.

Mr. Gordon Marsden (Blackpool, South) (Lab): I am grateful to my right hon. Friend for giving way. As she knows, this is an issue on which I have had some concerns. Will she spell out some more examples of how the proposal might work in practice, accepting that there will never be an absolute case that can be advanced? Will she particularly touch on the extent to which the involvement of the United Kingdom in events that take place outside the United Kingdom is germane to the argument that she is putting to the House?

Jacqui Smith: I am coming to the detail about the amendments, to show that we have been willing to go further to provide the reassurance that colleagues in all parts of the House have sought. In response to my hon. Friend, first, we are clearer in the Bill about the trigger for any use of the power. The power could be brought into force only where it is needed for investigating serious terrorist offences arising out of a grave and exceptional terrorist threat. People have asked what that means. We know that people have plotted to devastate our transport system, to blow up Bluewater shopping centre and, as I said, to use a dirty bomb. We have also seen plots to ensure multiple atrocities. We have seen plots on an international scale that would have brought death on a considerable scale to British people.

Several hon. Members *rose—*

Mr. Grieve: Will the Home Secretary give way?

Jacqui Smith: The hon. and learned Gentleman is on the Front Bench. He has had plenty of time in the Chamber and in Committee to take up these points.

In response to my hon. Friend the Member for Blackpool, South (Mr. Marsden), that is the order of threat that the provision is aimed to deal with—an event or situation involving terrorism that causes or threatens serious loss of human life, serious damage to human welfare or serious damage to the security of the UK. That set of circumstances is a higher test than originally proposed and is similar to the test in the Civil Contingencies Act.

David Davis (Haltemprice and Howden) (Con): If the Home Secretary is so confident that that is a higher test, why have she and the Prime Minister explicitly avoided allowing judicial review of her decision?

Jacqui Smith: It will be possible judicially to review the Home Secretary's decision on the basis of reasonableness. I have always been clear about that.

A further safeguard is that the use of the power would be limited to investigations involving only the most serious offences—for example, murder, conspiracy to cause explosions, acts preparatory—that is, those carrying a life penalty.

David Davis: In the Prime Minister's letter to Back Benchers, he said that the Government do not see judicial review as the way forward. What did he mean by that?

Jacqui Smith: The right hon. Gentleman knows that he has made the case to me for the widening of the scope of judicial review. In our view there is an important role for Parliament to play in the process. There is an important role for the judiciary to play in determining the reasonableness of the Home Secretary's decision, and the individual decisions about an extension of pre-charge detention in any given case. I believe that that is an appropriate use of judicial oversight and review and parliamentary decision making.

Several hon. Members *rose—*

Hon. Members: Give way!

Jacqui Smith: No, I will not.

Mr. Speaker: Order. The Home Secretary is here to put her case to the House. All the interruptions are causing other hon. Members not to be able to hear the case that is being put. That is unfair in many ways. I ask hon. Members to try to use some measure when they ask to intervene. Some of us know that that is a way of allowing hon. Members to put their own case on the record. They should be careful about that.

Jacqui Smith: Secondly, our amendments will strengthen the role of Parliament, bringing forward the vote on the Home Secretary's making of the order from 30 days to seven days. On making the order, the Chairs of the Intelligence and Security Committee, the Home Affairs Committee and the Joint Committee on Human Rights will be informed of the decision, and we will seek and publish legal advice for Parliament.

1.15 pm

Bob Spink (Castle Point) (UKIP): I am grateful to the Home Secretary. She is being extremely generous. Perhaps it would help the House if she explained whether she envisages that the circumstances of intelligence revealing that there was a specific and serious threat—for instance, against the people working in the City of London or in other areas of London—would operate the trigger that she referred to. About 8,000 of my constituents work on the front line of the world terrorist threat in London. Anything she can do to improve protection of them will be much welcomed by the country.

Jacqui Smith: The hon. Gentleman well understands the nature of the threat that we face. It aims to cause mass casualties among the sort of people that he describes. That is the type of serious terrorist threat that we are seeking to tackle. He is right to remind us whom we are trying to protect.

Thirdly, our amendments reinforce the temporary nature of the power, reducing the length of time that it can be in force from 60 days to 30 days, with no renewal at the end of that period. In addition to that, there are other safeguards. Individual detention beyond 28 days would, as under present proposals, be considered by a judge. Any application for an extension beyond 28 days would require the approval of the Director of Public Prosecutions. The judge may issue a warrant of further detention only if he is satisfied that there are reasonable grounds for believing that further detention is necessary for the investigation of a serious terrorist offence.

The independent reviewer will report within six months of the reserve power ceasing to be available. A parliamentary debate will take place on that report, which will cover whether, looking back, individual suspects were held in accordance with requirements governing detention, whether proper procedures were followed for applications for detention beyond 28 days, and whether it was reasonable in all the circumstances for the Home Secretary to make the order.

Martin Salter (Reading, West) (Lab): I thank my right hon. Friend for giving way, for the way in which she has conducted the debate through both the Home Affairs Committee and the Public Bill Committee, and particularly for the safeguards that have been put in place. Does she agree that it would have been preferable, when we had the debate on 90 days, to have gone through a similar process and for the safeguards to have been written in at that time? Would that not have saved the Government some embarrassment? Is there now no excuse for colleagues who voted for 90 days to have serious reservations about what is proposed today?

Jacqui Smith: I believe that the threat now is greater and the safeguards are more real. I therefore hope that we can achieve the support of the House for our proposals.

Richard Ottaway (Croydon, South) (Con): The Home Secretary will have heard the Prime Minister saying no fewer than four times during Prime Minister's questions that he was relying on advice from the security services. She will also be aware that the website of the security services said that the security services were neutral. Something has clearly changed since that statement was made. Will she publish the security services' advice on the matter?

Jacqui Smith: As I spelled out when I was speaking about the nature of the threat, one of the arguments for what we are proposing is the growing scale of the threat that we face. It was the director general of the Security Service at the end of last year who identified the concerns about 2,000 individuals, 200 networks and 30 plots in this country. It is his description of the scale of the threat that has led us to consider what sort of response we need to make.

Simon Hughes (North Southwark and Bermondsey) (LD): Clearly, the Government have rowed back from their original 90 days, but there has always been the qualification that it is possible to restrict the liberties protected by the convention—the words are there—when something amounts to a public emergency threatening the life of the nation, so why does not the Home Secretary rely on that, like all other countries do? Why have we seen every few years under this Government an increase in the powers of the state over the citizen, when no other comparable country equally threatened has thought it necessary to move in the same direction?

Jacqui Smith: I am not completely clear what the hon. Gentleman is arguing, but I have spelled out the nature of the threat that we face, the requirement on us to take that threat seriously and the proportionate way in which we are addressing that. That is the basis of what we originally proposed in the Bill and it is strengthened by the amendments that I am putting forward today.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): My right hon. Friend is absolutely right to argue that the Civil Contingencies Act and the invocation of a state of emergency would be wholly the wrong approach and would give the oxygen of publicity to terrorists, but I, and I am sure others, remain deeply unconvinced that the proposed definition would not effectively catch almost all forms of terrorist activity, and would therefore not constitute an exceptional circumstance that generates the need for exceptional powers.

Jacqui Smith: That is why the definition that we have set down requires serious loss of life or serious impact on human welfare, and it is that arm of the definition that is qualified by the list beneath it or serious threat to national security. I am willing to discuss this at further length with my hon. Friend and others, and I have no doubt that it will be scrutinised in detail when the Bill arrives in the House of Lords, but our intention in proposing the definition was precisely to limit the circumstances in which it will be possible to use the power. I hope that my hon. Friend accepts that that was the intention. It was also the reason why, in a spirit of developing consensus, we looked extremely closely at the wording in the Civil Contingencies Act, and built our definition on that. It is stronger than what we originally proposed, and I believe that it will tightly define the circumstances in which the power can be used. Of course that will quite rightly be subject to further scrutiny, not only today but when the Bill reaches the House of Lords.

Mark Durkan (Foyle) (SDLP): Earlier today the Prime Minister told us that, under the Bill, the Home Secretary would make a statement in the House showing that there was a grave exceptional threat. In fact, the Home Secretary will have to make a statement saying only that there is a grave exceptional threat. Those words are not a requirement for the triggering of the power; they are simply a requirement of parliamentary liturgy that we will have to go through.

Jacqui Smith: It is the role of the Home Secretary to make the order, but it is an important parliamentary safeguard that the making of the order has to be approved by Parliament. As I have said previously, Parliament's role in approving the order is not a negligible or an insignificant safeguard. I am constantly surprised at parliamentary colleagues who believe that their role is so insignificant in the thinking of a Home Secretary. Trust me—Home Secretaries think very carefully about what they have to explain to Parliament and what they need to have approved by Parliament.

Mr. Mark Harper (Forest of Dean) (Con): I want to take the Home Secretary back to the exchange that we had during Home Office questions on Monday, when I challenged her on her admission in her conversation with Andrew Marr during his programme on Sunday that the security services were not pressing for this extension. She said that I was "plain wrong". I looked at the transcript, and that is exactly what she said. As my hon. Friend the Member for Croydon, South (Richard Ottaway) made clear, the director general of the Security Service made it clear that it is neutral on this matter; it is not pressing for it. So for the Prime Minister and for her to say that they are following the advice of the security services in bringing this forward is just plain wrong.

Jacqui Smith: The hon. Gentleman is just plain wrong again. I have been very clear in my response as to what the director general of the Security Service has said on the record about the scale of the threat that we face. It is the scale of the threat that we face that is at the heart of the proposals that we are bringing forward and the way in which we seek to address them. If the hon. Gentleman wants to make debating points about the scale of the threat, that is up to him, but I believe that this is a serious threat that we need to address.

Terrorism is an assault on our civil liberties, on our democracy and on our values. Our response to terrorism must continue to be based on those values and liberties, ardently pursued through our democratic framework, primarily through our criminal justice system. But we cannot allow ourselves to be lulled into a false sense of security that might lead us to put at risk the liberty of all in Britain to live lives free from the threat of terrorist outrage and atrocity. In opposing terrorism, we must not lose sight of our values. For me, getting the balance right between individual freedom and collective security must always be at the heart of what we do. Our response must reinforce our shared values, not weaken them, because it is on those values that our security ultimately depends.

We have approached the Bill to build a consensus on how we can protect those values at the same time as protecting our national security. We have talked, we have listened, we have moved. Other than in circumstances involving a grave exceptional threat, the pre-charge detention limit for terrorist suspects will remain exactly as it is now. Indeed, that limit continues to be subject to annual renewal by Parliament.

I hope that we never need to extend the period, but the question that hon. Members need to ask themselves is whether they are confident that we will never need 29, 30 or 31 days to bring a terrorist suspect to charge, to put them in front of a court. The proposals that we will vote on today are better, fairer and more proportionate as a result of the process of parliamentary scrutiny and debate that they have undergone, but the time has come for hon. Members to decide. It is the job of Government, police and prosecutors to protect the public from terrorist attack, and thereby to defend everybody's right to life, but today it is the job of Parliament to give them the tools to do that. We need the support of the House for the proposals in the Bill. We need the support of the House to do the right thing for this country's security, and I commend the amendments to the House.

David Davis (Haltemprice and Howden) (Con): "It is the job of Parliament to give them the tools"? It is the job of Parliament to defend the liberties that we have had for centuries.

I rise to oppose the Government's new clauses and to support amendments Nos. 4 and 5 to remove 42 days from the Bill. Today, there are essentially two arguments to deal with. The first is: have the Government made their case for 42 days? If not, this change should be rejected out of hand, because in this country we do not give away freedom without good cause. Secondly, if they have made their case, are the powers proportionate and are the checks and balances to prevent improper use of the powers adequate?

The issue of how long we incarcerate those on whom we have insufficient evidence to charge with any crime has become one of the defining debates of the last decade in this country. Notably, this week marks the anniversary of the signing of Magna Carta. For almost 800 years, we have built on the right of habeas corpus, founded in that ancient document: the fundamental freedom from arbitrary detention by the state. The liberty of the person is in our blood, part of our history, part of our way of life; Conservatives, Labour, Liberal Democrats, Democratic Unionists—all parties. Liberty is the common strand that binds us together, and we have shed blood to protect it, both abroad and at home.

Today the Government ask us to sacrifice some of that liberty. The Home Secretary offers a Faustian bargain: to trade a fundamental liberty for a little extra security. Yet, as the debate has gone on, the case for 42 days has first crumbled and then collapsed. So, after months of debate, what are the basic facts? The right hon. Lady said in her speech that the Home Secretary properly takes advice from the police but that that is not enough and we need to examine the evidence that they present. I think that that is what she said, so let us do so: let us look at the evidence that was presented by the Home Secretary's own witnesses.

1.30 pm

Let us start with Sir Ian Blair, the Metropolitan Police Commissioner. In his evidence to Parliament, the commissioner said explicitly:

"We have never put forward a case that there is evidence of a need for an extension".—*[Official Report, Counter-Terrorism Public Bill Committee,* 22 April 2008; c. 11, Q3.]

He based his support for 42 days on "a pragmatic inference" based on trends in a number of plots and on those plots' complexity. In support of that, he and his counter-terrorism chief initially claimed that 15 terrorist plots had been thwarted since the 7/7 bombings. It was on that basis that he presented his evidence to the Bill Committee. But then it transpired that there had been a mistake. The corrected evidence revealed the true picture, which is that between 2003 and 2005, there were nine plots, three a year, and there have been four since the beginning of 2006, two a year. So, the number of plots, far from increasing, has actually decreased over the past three years. That is a good thing, but it is not an argument for extra powers, and although we should not underestimate the threat, we should not overstate it either.

The second witness who the Home Secretary brought before us was Mr. Peter Clarke. He argued exactly what was argued in the debate about 90 days, and he told us how complex and technical anti-terror cases were becoming. His example of a technically challenging case was that of Dhiren Barot. There is no doubt that it was a technically challenging case, but it was a case in which charges were successfully brought within 14 days—not 28 days, but 14—which is hardly evidence that we need three times as long. Mr. Clarke offered the observation that in the Barot case, police officers had occasion to sleep at the office. Frankly, I should prefer that police officers sleep at the office for two weeks than risk putting innocent people in a cell for six weeks.

Dr. Palmer: Is the shadow Home Secretary saying that he rules out the possibility that at some point there will be cases that are sufficiently complex to take more than 28 days to unravel? If he does not rule that out, what would he as Home Secretary do about them?

David Davis: The hon. Gentleman has heard me any number of times say that we will listen to the evidence. As I develop my case, he will hear that finding the evidence in the first place was difficult. Indeed, it was made more difficult by the Government, and that evidence does not support what the hon. Gentleman is saying.

Tony Lloyd: Will the right hon. Gentleman give way?

David Davis: In a moment. I want to get to the end of this part of my argument, because it is very important to this particular point.

The third witness was Ken Jones, the president of the Association of Chief Police Officers, who said that the police, operating under the current 28-day limit were "up against the buffers". That is the claim being made: not that we might be, but that we are up against the buffers. He based his judgment on the most complex counter-terrorism investigation in our history, Operation Overt, in respect of the alleged plot to blow 10 airliners out of the sky at Heathrow in August 2006. In that case, five people were held for 27 or 28 days. One can see why that superficial analysis leads us to the idea that we are up against the buffers, but it is only a superficial analysis. I asked Mr. Jones yesterday whether he had examined the detailed evidence in Operation Overt. He told me that he had not had the opportunity. I did look at the evidence. Three of the five suspects were held for the maximum period. More than half were innocent.

Mr. Frank Field (Birkenhead) (Lab): No, they were found not guilty.

David Davis: Innocent. That demonstrates—*[Interruption.]* We can reiterate the argument that we had last time. The last time I used "innocent", Labour Members exploded in uproar at the idea that those people might be innocent, so I told Labour Members that I had asked the police at the time whether they were concerned sufficiently to put those three people under control orders. "No," they said. I asked whether they were sufficiently concerned to put them under overt or covert surveillance? "No," they said. I asked whether they were carrying on any further investigations into them? "No," they said. I give way to the ex-Home Secretary.

Mr. David Blunkett (Sheffield, Brightside) (Lab): The right hon. Gentleman's latter point is very important, because in some of the cases that he cites, a lesser charge could have been offered. From all parts of the House, a case has been put that in respect of post-charge questioning, there is an opportunity for the police to continue doing what today's proposal of a 14-day extension allows in the most serious cases and for the most serious charge. Is it not either muddled thinking or, at its very best, a paradox, that those who are against the extension—with all the safeguards—to 42 days are happy for people to be charged with a lesser offence and then to be held in prison while questioning continues?

David Davis: The point that the right hon. Gentleman conflates—he has heard me argue this—is that the inability to question post-charge forces police and, more importantly, the Crown Prosecution Service, to defer charging because they are unable to continue gathering information about the case from the individual once the

[David Davis]

charge has been made. That is not the same point as the point that he makes. It is a very important point, but it is not the one that he made.

Chris Bryant (Rhondda) (Lab): Will the right hon. Gentleman give way?

David Davis: If the hon. Gentleman will forgive me, I want to go through this point. It is quite important. I always give Members an opportunity to intervene later in my speeches. *[Interruption.]* I shall, however, give way to the Under-Secretary of State for the Home Department, the hon. Member for Gedling (Mr. Coaker), if he wants.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): *indicated dissent.*

David Davis: No, obviously not.

Three of the five suspects—more than half—were held for the maximum period and they were innocent. That demonstrates not a virtue but a serious danger with further extension, namely that the longer one holds people without charge, the more likely they are to turn out to be innocent. Incidentally, of the six cases that John Stevens cited as taking us to the brink—they are, I think, the words that he used—half were proved innocent. There is a danger intrinsic in the extension when it involves cases in which there is no apparent evidence or not sufficient evidence in that there is more of a risk of detaining people who are innocent than of detaining those who are guilty.

Several hon. Members *rose—*

David Davis: I shall give way to my hon. Friend the Member for Canterbury (Mr. Brazier)

Mr. Julian Brazier (Canterbury) (Con): Does my right hon. Friend agree that there is a certain irony in the right hon. Lady the Home Secretary citing the Madrid bombing as one of the most extreme examples of complexity, when her Government have welcomed two former Guantanamo bay suspects, who are not British citizens, back to Britain despite the fact that the Spanish police are desperate to get hold of them?

David Davis: My hon. Friend makes his point, but it would take me rather offline to follow him down that route.

Let me return to the point about innocence, because Ministers now intimate—if they do not say so outright—that they will pay compensation in cases where innocent people are detained for longer than 28 days. Could we ever have a more explicit admission of the inevitable failure of the law or of the foreseeable injustices that it will bring? It is for this House to search its conscience—to determine whether putting in place a system of six weeks' detention, when on current experience half or more cases are likely to be proved innocent, will serve the vital interests either of our national security or, very importantly, of British justice.

Dr. Julian Lewis (New Forest, East) (Con): Will my right hon. Friend give way?

David Davis: No. I have a small but important point to get through, and then I shall take some interventions.

What about the other two cases in which people were held for 28 days? They are implicitly held up as the illustration that, due to the complexity of investigations, 28 days is proving inadequate. Is that really what those cases show? The key question is, when was the evidence available on which the charges were based? Ministers and officials have been asked a number of times—the Home Secretary has been asked a number of times—to answer that question, and they have implied that the evidence was obtained very late in the 28-day period.

During our numerous meetings, when we were trying to reach a consensus, I asked the Home Secretary three times to show me the facts that demonstrated that evidence gathering had delayed the decision to charge in Operation Overt. But she failed to explain—even in the most general terms, or on a Privy Council basis, which I would have been perfectly happy to accept—what the evidence was or when it was acquired. I was forced to establish the facts myself and then to check them with the investigating team at Scotland Yard. My hon. and learned Friend the Member for Beaconsfield (Mr. Grieve), the shadow Attorney-General, checked them with the Crown Prosecution Service. The facts are as follows: in neither of the two cases was the evidential basis of the charge encrypted data, evidence requiring complex forensic analysis or intelligence from overseas. In one case, it comprised telephone records, handwritten and printed literature, an unencrypted CD and a receipt, all of which were available within four days of arrest. The second case was based on witness statements, mobile phone text messages and a single unencrypted computer file, all of which were available within 12 days of arrest.

That does not mean that the police should be criticised—far from it. They should be commended for their handling of that operation, as I have said on several occasions. Nor does it mean that the CPS acted improperly—it rightly looked to gather as much evidence as possible under the rules that it is given by this House within the time frame that Parliament sets it. However, it does show that in the most complex terrorism investigation in our history, all the evidence on the only two suspects charged after 21 days was in the possession of the police within four and 12 days respectively. I suspect that that is why the Director of Public Prosecutions does not believe that the extension is at all necessary or foresee circumstances in which it will be necessary in future.

Chris Bryant: The right hon. Gentleman is basing his whole argument on his assertion that there is no evidence that proves that these powers are necessary. Surely the only evidence that there could possibly be would be a catastrophic failure of the criminal justice system that meant that the police were unable to charge somebody before the end of the 28 days and that person then going on to commit a major atrocity. That is precisely what we are all trying to avoid. *[Interruption.]*

David Davis: Hon. Members should not heckle the hon. Gentleman—he is well intentioned in this matter. I would say two things to him. First, he is making a case for indefinite detention. Secondly, this is why we asked the Government to consider using the Civil Contingencies Act 2004. The Home Secretary says that it is not capable of being used, although David Pannick, the Government's

counsel of choice—the man who wrote the textbook on these subjects—says that it is. I offered the Home Secretary sufficient changes to make it usable in such circumstances, because it contains some protections that are worth having but are not available in the Bill. That was the "CCA plus" offer that people have read about in the papers. We did that on the basis of the argument made by the Home Secretary's predecessor.

Dr. Julian Lewis: Will my right hon. Friend give way?

David Davis: If my hon. Friend will forgive me, I have not finished my answer.

Martin Salter *rose—*

Rob Marris (Wolverhampton, South-West) (Lab) *rose—*

David Davis: I will not give way for the moment—forgive me.

The Home Secretary reminds us time and again that she is, in her words, "responsible" for national security. She is right to stress that. A Home Secretary must take advice from all members of the law enforcement agencies, but she must check and ask questions; she must establish the facts, as we have been doing this afternoon. That is her responsibility. As the evidence in favour of extending pre-charge detention has evaporated under scrutiny, it has been replaced with growing evidence that the pre-charge detention proposals risk making us less, not more safe. The former chief inspector of constabulary has described the proposal on 42 days as a "propaganda coup" for al-Qaeda. They are a gift to "propagandists" that will drive the brainwashed to "acts of martyrdom", according to one former Metropolitan police commissioner. They are a threat to local community intelligence, according to the Government's own impact assessment on the Bill. The proposal is wrong in principle and dangerous in practice.

Barry Gardiner (Brent, North) (Lab): The right hon. Gentleman has built his case on the instance of the two cases where, he says, the evidence was available on the 12th day, at the latest. Why, then, does he believe that the Crown Prosecution Service kept those individuals in detention through to the 27th or 28th day? Did it do that recklessly, or was there a reasonable belief that further evidence could be uncovered that would be material to a prosecution?

1.45 pm

David Davis: The hon. Gentleman raises a perfectly reasonable point. I am not surprised that he does so, because the Minister for Security, Counter-Terrorism, Crime and Policing has attempted on several occasions to misrepresent this point of view. I have said that the CPS did not act recklessly. There are issues that police forces and prosecutors have to decide on in every case. If they have 20 or more suspects to deal with, a prioritisation process inevitably takes place, as we saw in the Overt case. All those charged with the most serious charge of conspiracy to murder were charged before 21 days, and the massive majority of them were charged before 14 days. It is entirely understandable that the prosecutors and the police focus on that area first. That is why I am concerned—it is not an accusation but a concern—that one of the effects of this will be to leave until the end of the process the people who are innocent, or against whom there may be a suspicion although they are innocent. There is a serious danger that extending it any further will mean more innocent people being put in a cell for six weeks.

Mr. John Gummer (Suffolk, Coastal) (Con): Does my right hon. Friend agree that the problem of extending the 28-day period is that it will have the opposite effect to that which the hon. Member for Brent, North (Barry Gardiner) suggests, because it will make it easier for people to say, "We've got plenty of time, so we need not speed up this process to the maximum"? Is not that something that any innocent person caught up in this must worry about?

David Davis: I understand my right hon. Friend's point, although I do not agree with it, in truth. However, there is a subtle related point. The CPS will seek to obtain a so-called full code charge—one with a 51 per cent. plus chance of conviction—because that is its guidance. If it is unable to obtain it, it may well want to use all the time available to try to do so instead of using the lower so-called threshold charge. The two people I mentioned were charged under the threshold charge arrangements. It is entirely possible—I do not know; it is pure surmise—that there was an attempt to obtain a full code charge. That is entirely legitimate and entirely the proper way for the CPS to act. The situation is not its fault, but our fault, because it arises directly out of the rules system that we created for it.

Dr. Julian Lewis: My right hon. Friend referred to people being released right up against the buffers, as it were. The Government are saying that the nightmare scenario is that someone would be released after 28 days and then go on to commit some heinous offence. They are also saying that the numbers of people involved in the exercise of 42 days' detention would be very small and in circumstances of grave threat. Surely it is hard to imagine any circumstances where if someone had to be released after 28 days, they would not be under the most intense surveillance thereafter. It is hard to see how even if they were released under those circumstances, they could then precipitate an atrocity on the scale that the Government anticipate.

David Davis: My hon. Friend makes a good point. There are two aspects that relate to a small number of cases involving one, two or three people. This is where the Home Secretary differs from me in wanting the scope to act. It is entirely possible that the security agencies and the police could put a small number of people under close surveillance—through a control order, I suppose, if one believes that they work. It could be overt surveillance—there is no reason why a police car could not be put outside a house—or covert surveillance. All those things are possible.

My hon. Friend reminds me of something that I forgot to say earlier. Implicit in some of the arguments made is that the people in question are a threat or danger to the public. The image conjured up is one of some sort of dangerous terrorist who will go out to bomb the nearest station or plane. Indeed, the Home Secretary implied that when she spoke of 28 days' detention putting the public at risk.

Rob Marris: Will the right hon. Gentleman give way?

David Davis: No, not at this point.

As a result of the procedures that I described before, the people dealt with last under the system tend to be the least dangerous. They were not the ones charged with conspiracy to murder. In fact, in the two cases that we are talking about, they were subsequently released on bail. If they were released on bail, the courts clearly did not think that they posed an ongoing threat to the public. I am afraid that that argument falls in tatters, too.

Rob Marris: Can I gently suggest to the right hon. Gentleman that there is a big contradiction at the heart of his position? On the one hand, he cloaks himself in the principles of ancient civil liberties, going back to Magna Carta and so on, but on the other, he goes on to advocate alternative devices to get round those very civil liberties. For example, he advocates the use of the Civil Contingencies Act 2004, post-charge questioning and intercept evidence, and he advocates the charging of someone with a lesser offence and holding them while a potentially greater offence is investigated. That is a contradiction in his position. Is it principled or is it practical?

David Davis: Earlier, I did not pull up the former Home Secretary, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), when he attributed that view to me. It is not my view, and has never been my view. However, let us take one of the hon. Gentleman's cases of an incursion on our civil liberties. He says that the use of intercept evidence in court is such an incursion. No, the incursion on our civil liberties occurs when the intercept is made. That is why there are warrant arrangements and controls on intercepts. Not using such evidence in court has nothing to do with civil liberties—it is to do with a judicial decision and an intelligence decision. He should have got his case a bit straighter.

Some weeks ago, the Government were clearly at risk of losing this aspect of the Bill, so they conjured up a series of so-called safeguards. Interestingly, given what was just said to me, they are an attempt to import—almost in the words of the Home Secretary—a diluted version of the Civil Contingencies Act into the Bill. Again, this comes as something of a surprise. The House will recall that Ministers spurned the Civil Contingencies Act model for months and said that it was inappropriate, fundamentally flawed and a draconian response. I begin to wonder who wrote the Act—I thought that it was this Government.

If the Civil Contingencies Act is draconian, it is hard to understand why, in her proposals, the Home Secretary's deliberately diluted the safeguards that are supposedly based on the Act. The Home Secretary says that the 42-day power of detention could be invoked only if there were a grave, exceptional terrorist threat. The point was made by the hon. Member for Foyle (Mark Durkan) earlier that that is not a condition for invoking an extension beyond 28 days; it is merely a notification requirement. Even then the notification requirement will not refer to that, but to an operational necessity. It is merely a notification requirement, entirely irrelevant to the unfettered discretion that the Home Secretary will retain.

Even if it were relevant, let us consider what could constitute a grave, exceptional terrorist threat. The hon. and learned Member for Medway (Mr. Marshall-Andrews) made this point earlier: the small print of the new clause refers to events that cause or threaten

"(a) serious loss of human life

(b) serious damage to human welfare in the United Kingdom, or

(c) serious damage to the security of the United Kingdom."

I am being charitable on this. Those definitions are so broad—a massive expansion of the criteria in the Civil Contingencies Act—that virtually any terrorist plot would satisfy them. The Dhiren Barot plot in 2004 to set off a dirty bomb would easily meet those conditions, but the charging was concluded in 14 days. The Operation Crevice fertiliser bomb plot in 2004 would also meet the definition, but all the charges were brought within 14 days. The 21/7 attacks would certainly qualify, but again all the charges were brought within 14 days. The definition of grave, exceptional threat is not only irrelevant to the power of the Home Secretary to order 42 days' detention, it simply does not matter at all.

Mr. Marsden: The right hon. Gentleman has given a set of examples, but I am not sure that they are germane to his original question. I put this question to him: if he does not think that the definitions in the Bill constitute an adequate definition of a grave and serious threat, what criteria would he present to the House?

David Davis: The hon. Gentleman raises an important point, and I will try to give him the most serious answer I can—*[Interruption.]*—the one that the hon. Gentleman's question deserves, namely, yes. There are two categories of circumstance with regard to a threat to the state that the Government might face. One is a situation that obviously worries the Home Secretary, where perhaps 25 people are arrested and we are left with one, two or three at the end for whom we do not quite have enough evidence. We can deal with that, as was pointed out by my hon. Friend the Member for New Forest, East (Dr. Lewis), by a variety of other mechanisms, including—*[Interruption.]* Surveillance, I say to the Security Minister—I think that is who he is. It certainly can be dealt with that way, but it can also be dealt with by the threshold test for prosecution—the reasonable suspicion test.

The other circumstance is where there are a vast number of attacks on the state at the same time. The Security Minister—the Minister for Security, Counter-Terrorism, Crime and Policing—referred to it as the three 9/11s test. Under those circumstances, we would be overwhelmed, and we would need a definition of a state of emergency. This is what the Government object to. The matter is important because full judicial review can apply a test as to whether a state of emergency applies, in a way we cannot as individuals discussing the matter in the House of Commons. That is the point of distinction, which is why we offered the Home Secretary very early on in the process a modification to get "CCA plus", as it was known in the jargon at the time, if she wanted it. We were willing to do that.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): At the beginning of the right hon. Gentleman's contribution, he rightly reminded the House of the history of this country, and the right hon. Member for Witney

(Mr. Cameron) mentioned during Prime Minister's questions the untimely death of Airey Neave. I gently remind the shadow Home Secretary, however, that his Government were responsible for internment without charge and without limit of hundreds, if not thousands, of Irish people. Would he therefore inform the House when and how he changed his principles on civil liberties?

David Davis: I regret to tell the hon. Gentleman that I was not a Member of the 1972 Government. I never believed in internment; it was a dreadful mistake, and the hon. Gentleman is exactly right about that. One of the problems that we have to address today is whether we learn from that mistake or not. That is what we are trying to do in this exercise.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): I want to take the right hon. Gentleman back to the important point that he was making, and one of its consequences. The definitions in the Bill are such that if, like the right hon. Gentleman and myself, one has occasion to read the documents on such matters, one has to conclude that such threats exist now. It follows, therefore, that one trigger is already present, and if the Government seek to activate the procedure, the only thing that the House of Commons can profitably discuss is whether the police have in detention persons whom it is necessary to hold for a period longer than 28 days. In other words, we will be left with the absurdity of the House of Commons behaving like a court.

David Davis: The right hon. Gentleman is exactly right. He is very experienced in this area and he knows the subject backwards. He has, in fact, been used by the Government on the matter. He points out what is fundamentally flawed in the Bill. This House is not a court. It cannot be and it should not be.

Mr. Baron: Having served in Northern Ireland, I suggest to my right hon. Friend that internment was not just a mistake, but counter-productive. It went directly against the armed forces because terrorists were able to go into communities and recruit actively, on the basis of internment, much better than they could otherwise. We do not want to make that mistake in this country with communities from whom we seek co-operation.

2 pm

David Davis: That is exactly right, and that is why so many of the chief constables and ex-chief constables whom the Home Secretary does not quote feel that the measure is very dangerous.

Jacqui Smith: Like who?

David Davis: Geoffrey Dear, Her Majesty's former inspectorate of constabulary, who said in terms that many of his currently serving colleagues say the same.

The other problem is that there are no additional judicial safeguards over and above what we have now for the individual. The House need not take my word for that; indeed, David Pannick QC, a leading practitioner in the field, the Government's counsel of choice and the man who literally wrote the textbook, provided a formal legal opinion on the Bill:

"Not only do the Amendments fail to replicate the safeguards in the 2004 Act but they fail, significantly or meaningfully, to provide similar or analogous safeguards."

That is the point that the hon. Member for Reading, West (Martin Salter) raised earlier.

The truth is that the Government's so-called concessions are not a serious attempt to sustain consensus by providing proper checks and balances of the Home Secretary's now draconian powers. They are a vain attempt to save face. The Government have salami-sliced the safeguards, watered down the checks and buried an issue of high principle in a blizzard of fine print.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): I am grateful to the right hon. Gentleman for giving way. Why are those Members who are opposed to the principle of 42 days' detention without charge prepared to accept the Civil Contingencies Act or the existing legal possibility of derogating to the European convention on human rights? It is because both the CCA and the power of derogation could be used only in exceptional circumstances. The fear in the Muslim community in my constituency, and in Muslim communities up and down the country, is that if the 42-day period goes on the statute book in the terms proposed, it would become routine, with all the negative consequences for our security and for community cohesion that we have heard about.

David Davis: I am glad that I gave way to the hon. Lady.

There is nobody in the House—not one person—who does not feel horror at the loss of life or the pain and mutilation suffered by the victims of terrorism. But two wrongs do not make a right, least of all if what we do is ineffective, unnecessary or even counter-productive, as the hon. Lady has just pointed out.

I have no sympathy whatever for terrorists. However, to put the issue in real terms, not on paper, I want hon. Members to imagine what it feels like for someone who is innocent under the proposed regime. They are taken from their bed in the early hours of the morning, which is what normally happens. They are locked in a cell for six weeks—1,000 hours—and they do not know why: not what they are accused of, not what the suspicions are, not what the evidence is. They do not know what is happening to their job. They do not know what is happening to their reputation. They do not know what is happening to their wife or their neighbours. They do not know what is happening to their children, who sometimes face the harsh cruelty of other children. They do not know that for six weeks—1,000 hours. No money on this earth will compensate for that.

What we have is the worst of all worlds: a symbolic assault on liberty that is unnecessary, a change in the law that is counter-productive and a procedure that is unworkable. We do not defend our liberties by sacrificing our liberties. We must reject the Government's proposals.

Keith Vaz: I begin by thanking the right hon. Member for Haltemprice and Howden (David Davis) not just for giving formal evidence to the Select Committee on Home Affairs when we considered the Government's counter-terrorism proposals, but for the private notes

[Keith Vaz]

that he sent me and other members of the Committee, which were extremely helpful in allowing us to make our final determination.

The right hon. Gentleman and others are quite right: this is an occasion of high politics, because this is Parliament, and of high drama, because of the outcome of the vote. More importantly, however, this is an occasion of high stakes, because we are dealing with the protection not just of our people, but of the liberties of individuals. Everyone, in all parts of the House, will take the issue and this debate very seriously indeed.

Last year, the Committee held an inquiry into the Government's counter-terrorism proposals. It began as a short inquiry, looking into the way in which those proposals had developed and at the 28-day period. Shortly afterwards, however, following the Prime Minister's statement to the House, we extended the inquiry to cover a number of other aspects. We took evidence from Sir Ian Blair, the Metropolitan Police Commissioner, the deputy assistant commissioner, Peter Clarke, the director of human rights for the police, the director of Liberty, Shami Chakrabarti, and the Prison Service.

We sought the opinion of the members of what was called the Forest Gate two— Mr. Mohammed Abdul Kahar and Mr. Abul Koyair, who had been detained by the police and then released. We also took evidence from Rachel North, a writer and one of the survivors of 7/7, as well as from the right hon. Member for Haltemprice and Howden, speaking for the Opposition, and the then Liberal spokesperson, the right hon. Member for Sheffield, Hallam (Mr. Clegg). *[Interruption.]* We did indeed take evidence from the Home Secretary—I am coming to her, but she has to wait her turn.

Those evidence sessions and the fact that we took evidence from a wide variety of individuals and organisations were important, because we wanted to produce a thorough report and to ensure that we covered all the points that were made to us. We also took evidence from the Home Secretary, who answered 149 questions and appeared before us twice, on one occasion at very short notice, leaving Cabinet before time to get to us. The co-operation that we received from the Government and others was extremely helpful.

We came to the conclusion that there was absolutely no evidence to support a permanent extension of the 28-day period to 42 days. We felt that the nature of permanence was such that no information placed before us could justify such an extension.

Mr. Paul Goodman (Wycombe) (Con): Did the right hon. Gentleman take evidence from Mr. Khurshid Ahmed, the chairman of the British Muslim Forum? I ask because Mr. Ahmed was reported yesterday as having views that justified the headline "UK's top Muslim backs '42 days'", but he is quoted this morning as saying:

"In some cases 28 days have been needed but there has not been a case demonstrated to go beyond."

Keith Vaz: Anyone could have given evidence to our Committee. We did not take evidence from that particular gentleman, although he has said that he is in favour of the extension. As the hon. Gentleman will know, we could not take evidence from absolutely everyone involved. I have read a list of those involved, but anyone could have submitted evidence to us.

Despite saying that there was no case for an extension of the permanent limit of 28 days, we made it clear not just in the most recent report, but in a previous report, when the Committee was chaired by my right hon. Friend the now Secretary of State for Innovation, Universities and Skills—some of the members who contributed to the 2006 report are still serving on the Committee—that the current limit of 28 days might prove inadequate in the future. Both the Home Secretary and, more particularly, the Metropolitan Police Commissioner told us that they foresaw circumstances in which an extension would be necessary. The right hon. Member for Haltemprice and Howden and the former spokesman and current leader of the Liberal Democrats both saw that as a possibility in certain circumstances. We noted that Lord Goldsmith, the former Attorney-General, who was part of the Government when they put forward their proposal for 90 days, also envisaged the possibility of an extension in the future.

We considered at some length Liberty's proposals that part 2 of the Civil Contingencies Act 2004 could be used in those exceptional circumstances where we both felt that it would be necessary to go beyond 28 days. We concluded, however, that the Act as drafted was not intended to deal with a situation of that kind. I pay tribute to Shami Chakrabarti and Liberty for the way in which they have engaged not just with the Select Committee, but with hon. Members and the Government. It is common knowledge that Liberty met the Home Secretary, the Prime Minister and others to discuss the legislation. It is right to engage with organisations such as Liberty, which has a wealth of knowledge and experience that can be put to great use. We felt that the Civil Contingencies Act 2004 was not the right vehicle, however, because we did not believe that the best way to deal with a situation of this kind was to have a state of emergency. Indeed, as the House knows, if the 2004 Act is adopted, it will take the period well beyond what is envisaged in the Government's proposals.

We urged the Home Secretary to begin urgent discussions with other parties to try to build consensus. I know that she and others have been criticised for engaging with Members of Parliament. Some very cynical points have been made—not so far in today's debate, if I may say so, but outside the House—about why the Prime Minister, the Home Secretary and the Minister for Security, Counter-Terrorism, Crime and Policing should be discussing matters with Members of Parliament. Of course they should. That is the nature of government. How dreadful it would be if the Government decided on a particular course of action and then never consulted anybody else. I hope that Home Secretary will not mind my having a slight dig at her—I am, after all, supporting her tonight: if only the Government had done the same thing over police pay, there would have been a different scenario. That aside, this engagement is extraordinarily important and has helped to bring a better proposal before the House; it has certainly moved a long way since the original proposals were made in July last year.

Mr. Andrew Robathan (Blaby) (Con): I am grateful to the right hon. Gentleman, my neighbour in Leicestershire, for giving way. I am listening to what he says, I understand that he is supporting the Bill and I think that engagement can, indeed, lead people to change their minds. However, I also understand that he and his Committee were originally against any extension to 42 days, so will he

take the opportunity to crush the churlish and ridiculous rumour that at some stage in his discussions with the Home Secretary and the Government, the issue of knighthoods or anything like that was mentioned?

Keith Vaz: If a knighthood were on offer, it would sit better on the shoulders of the hon. Gentleman, representing as he does a county seat in Leicestershire. *[Interruption.]* No, it was certainly not offered—but I do not know; there is still time.

To be serious again, as I am sure the hon. Gentleman was seeking to be in making that ridiculous comment, our conclusion was endorsed by 11 votes to one in a cross-party inquiry that included four Conservative Members—the hon. Members for Newark (Patrick Mercer), for Monmouth (David T.C. Davies), for Hertsmere (Mr. Clappison) and for South-West Devon (Mr. Streeter)—and a Liberal Democrat, the hon. Member for Taunton (Mr. Browne). Our conclusion was that there may be in future the possibility of an extension, and we set out very clearly the grave and exceptional circumstances that might exist.

David T.C. Davies (Monmouth) (Con): The right hon. Gentleman does an excellent job of chairing the Committee and of encouraging consensus there, which is very important for Select Committees. Does he agree, however, that great concern was expressed by some members of the Committee about 42 days and that, in the end, the report was almost unanimously signed off because we wanted to make it clear that if there were to be an extension beyond 42 days, safeguards had to be in place. That did not necessarily imply full support for an extension beyond that period.

Keith Vaz: The hon. Gentleman is absolutely right; of course there was controversy about this issue in the Committee, as there is in the House more widely. The fact remains that by 11 votes to one, the Committee decided that there was a possibility of exceptional circumstances arising in the future and we set out carefully the wording, referring to "grave" and "exceptional" circumstances in which an extension might be sought. The only member of the Committee to vote against was my hon. Friend the Member for Walsall, North (Mr. Winnick), for whom I have the highest regard. He has been absolutely consistent on this matter from the time that he put forward the 28-day rule. I have huge respect for him and I recall his saying to the Committee that he felt that this was opening a window that we would, in his words, regret. He feared that the Government would use the provision in future to claim that exceptional circumstances demanded a further extension.

Jeremy Corbyn (Islington, North) (Lab) *rose—*

Keith Vaz: I shall give way in a moment. The fact is that the Committee decided in a near unanimous report that, in future, such circumstances might arise, just as the Civil Contingencies Act 2004 accepts that an emergency situation could arise in future.

2.15 pm

Jeremy Corbyn: Does my right hon. Friend accept that my hon. Friend the Member for Walsall, North (Mr. Winnick) was absolutely right to express his concerns about this matter? It has come to pass in a very few weeks that the Government want 42 days, and I suspect that in a couple of years' time, another Home Secretary will want even more. That is the nature of proposals that endlessly give politicians more powers over the process of detention.

Keith Vaz: I have known my hon. Friend for many years. He was the first Member to support me when I was selected to stand in Leicester, East, so I have a high regard for him and for the way in which he defends the civil liberties of his constituents, but he is wrong. That is not what is being proposed today, and I am glad to be able to clarify that for him. We have made it very clear that this is not a permanent extension and I would not vote for a permanent extension beyond 28 days—*[Interruption.]* No, I would not. This is a specific extension on an emergency basis. The Select Committee said in 2006, before I was even a member of it, that there would be circumstances in the future in which the period should be extended. In December, the Committee, which I now chair, decided by 11 votes to one that there would be grave and exceptional circumstances, and the Government have merely adopted our language.

Mr. Grieve *rose—*

David Howarth (Cambridge) (LD) *rose—*

Keith Vaz: I give way to the hon. and learned Member for Beaconsfield (Mr. Grieve), who has just taken silk.

Mr. Grieve: I am most grateful to the right hon. Gentleman. He has looked carefully at the Government's proposals and I agree with him that the phrase "grave exceptional terrorist threat" might, given its ordinary English meaning, be taken to connote the sort of emergency that is akin to the Civil Contingencies Act 2004. However, does he agree that if we look at new clause 20, we find that the definition of a "grave exceptional terrorist threat" is extremely wide—much wider than that of a state of emergency? Does he also agree that the bizarre aspect of the Government's proposals is that the basis will not be a grave exceptional terrorist threat, which Parliament will be asked to decide on in any case, as we will be asked to vote on an order that is simply a report on an operational need for a further extension of the maximum period of detention? Will the right hon. Gentleman please explain what the Home Secretary seems to have been incapable of explaining—how the House will be able to carry out its scrutiny processes in practice and how the Civil Contingencies Act in any way approximates to what the Government are actually doing?

Keith Vaz: I am satisfied that the safeguards that the Government have put in place will deal with all the issues that the hon. and learned Gentleman has mentioned. I am satisfied that the proposed parliamentary scrutiny is sufficient. I am pleased that the Home Secretary has lowered the period from 30 days to seven. Of course, if we could all have our lives again, it would have been much better if the Civil Contingencies Act had been amended so that these proposals were not brought forward, but we are not there at the moment, and I am satisfied that Government's changes will deal with that situation—*[Interruption.]*

Several hon. Members *rose—*

Keith Vaz: I am satisfied about that, and I am quite clear that the parliamentary, judicial and administrative scrutiny that the Home Secretary and the Government propose to give to Parliament and the judges is sufficient to deal with this issue.

Mr. Winnick: I am grateful to my right hon. Friend for giving way. I certainly will not say anything unkind. I would not do so in any circumstances, especially after his kind words about me.

My right hon. Friend sent out an e-mail to colleagues urging—together with a number of my hon. Friends—support for the Government. It says:

"We are adamant that the legislation",

which is now being debated,

"will affect only those who would use terrorism against our people".

How do we know that? Is there not a danger that we will be declaring people guilty who may not be guilty and who may be released? Those are very dangerous words. I hope he will reflect on that.

Keith Vaz: I cannot believe that any e-mail that I could send out could be regarded as dangerous. I and many colleagues, some of whom are here today, were concerned to ensure that people understood, because if my hon. Friend considers the signatories to that letter, he will see that many of them, including me, represent large numbers of members—

Mr. Winnick: And voted for the 90 days, of course.

Keith Vaz: And voted for the 90 days. But those people represent members of the ethnic minority communities, which will be affected by the legislation. That is why—

Mr. Robathan: So will everyone.

Keith Vaz: Yes, everyone will be affected, but the figures suggest that proportionately more of those who have been detained are members of the ethnic minority communities. That is why it was extremely important that we, representing those constituents, were able to say that.

Ms Abbott: I am grateful to my right hon. Friend for giving way. On the letter that he and other of my hon. Friends signed, the less said the better. He knows well and good what Muslim communities in this country think about the Bill, but does he not understand that it is not sufficient merely to assert that he is satisfied with the process of parliamentary scrutiny? Will he explain to us how Parliament can exercise scrutiny without having facts in front of it?

Keith Vaz: I know that my hon. Friend is upset because I did not ask her to sign the letter, but I knew that she would not sign it, so there was no point in putting the text before her. She will know very clearly from the text of that letter what it says and why it was sent out—

Ms Abbott: How can we exercise scrutiny?

Keith Vaz: I say to my hon. Friend—

Ms Abbott: How can we exercise scrutiny?

Keith Vaz: I say to my hon. Friend that I am satisfied that we will be able to do so. If I was not satisfied with what the Home Secretary has said and if I believed—

Ms Abbott: You are easily satisfied.

Keith Vaz: No, I am not easily satisfied.

Ms Abbott: Yes, you are.

Madam Deputy Speaker (Sylvia Heal): Order. The right hon. Gentleman is replying to an intervention. I call Mr. Vaz.

Keith Vaz: Thank you, Madam Deputy Speaker. My hon. Friend and I go back a long way.

I represent a constituency that, by 2010, will have a majority of Asian people living in it. It will be the only city in Europe in which a majority of the citizens are from ethnic minority communities. I would not vote for this measure if I felt that they would be disproportionately affected in any way.

Several hon. Members *rose—*

Keith Vaz: I will not take any more interventions.

Several hon. Members *rose—*

Keith Vaz: All right, I give way to my hon. Friend the Member for Reading, West (Martin Salter), who is a member of the Select Committee.

Martin Salter: I thank the Chairman of the Home Affairs Committee for giving way. He is perhaps having a tougher time than any of the Front Benchers at the moment.

Does my right hon. Friend agree that it is somewhat bizarre that those on the Conservative Benches are now praying in aid the Civil Contingencies Act when four members of the Home Affairs Committee put their names to the following words:

"We considered...that Part 2 of the Civil Contingencies Act (CCA) 2004 could be used in exceptional circumstances...However, we concluded that this was not an intended use of the powers under the CCA, that there were significant legal problems and it would not be sensible for a national state of emergency to be triggered in the middle of a major investigation."

Is it not crystal clear that when Conservative Members have had an opportunity to examine that proposal, they have found it wanting?

Keith Vaz: My hon. Friend will not draw me down the road of criticising members of the Committee, as I am due in Monmouth on Sunday and Monday. I do not want to upset the hon. Member for Monmouth, who is not responsible for what his Front Benchers say almost in the same way as we are not responsible for our Front Benchers. However, I will say that it is very clear that the Committee—this is where all this started—made it clear that there would be exceptional circumstances. That is what the Government have accepted. If the Government

are prepared to accept the words of an all-party Select Committee—albeit achieved in controversial ways, as was the case, because this is a controversial subject—I am happy to accept that.

Several hon. Members *rose—*

Keith Vaz: I shall give way once more, to the hon. Member for Newark (Patrick Mercer).

Patrick Mercer (Newark) (Con): I am most grateful to the right hon. Gentleman, whose chairmanship I admire and enjoy.

May I make it quite clear that I and the three other Conservative members of the Home Affairs Committee looked carefully at the Civil Contingencies Act—I was a member of the Committee that considered the Bill—and we quite clearly understood that there were powers within the legislation that, were they modified, could be highly sensible, highly useful and directly applicable in the rare circumstances that the Chairman and other members of the Committee agreed might exceptionally occur?

Keith Vaz: Indeed, that is exactly what the discussion was all about, but at the end of the day we concluded that there were exceptional circumstances. We did not feel that we could use the Civil Contingencies Act, which is what we said at the end of the report. But the hon. Gentleman is absolutely right—this was considered.

Patrick Mercer: Once again, I am grateful to the Chairman of the Home Affairs Committee for his generosity. That, surely, is entirely consistent with the point that Conservative Front Benchers and my right hon. Friend the Member for Haltemprice and Howden (David Davis), the shadow Home Secretary, have been making.

Keith Vaz: The shadow Home Secretary has always believed that the Civil Contingencies Act is sufficient for the needs of the Conservative party on this issue, but we as a Committee concluded by 11 votes to one that it was not.

Mr. Grieve: Will the right hon. Gentleman give way?

Keith Vaz: No, I will not. I have been speaking for 21 minutes, and it is important that other Members have an opportunity to take part in the debate.

I want to raise with the House the issue of community engagement—my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) has already raised it—and the specific concerns of the community. I say this to my hon. Friend and others in the House: she mentioned the letter that was signed by 17 Members of the House, but obviously, as we know, not by her. However, my hon. Friends the Members for Birmingham, Perry Barr (Mr. Mahmood), for Glasgow, Central (Mr. Sarwar), for Dewsbury (Mr. Malik) and for Tooting (Mr. Khan) all signed it.

Ms Abbott: Under duress.

Keith Vaz: I say to my hon. Friend that they did not do so under duress. They happily signed the letter.

Madam Deputy Speaker: Order. I remind all hon. Members that there should be decorum as well as debate in the House.

Keith Vaz: Thank you, Madam Deputy Speaker. To be very clear, before the hon. Member for Blaby (Mr. Robathan) jumps to his feet, none of those people was offered a knighthood for signing the letter. It is not in my power to give such honours. They signed the letter in good faith because they believed that the safeguards that had been offered by the Government were sufficient for the communities that they represent. Of course they have—

Jeremy Corbyn: Will my right hon. Friend give way?

Keith Vaz: No, I will not give way again. Of course those Members represent people other than members of the Muslim faith, but each and every one of them is respected and acknowledged within their communities. It is extremely significant that they should all have singed the letter.

Mark Durkan: I thank the right hon. Gentleman for giving way. I want to ask about him and other Members who signed the letter being satisfied about the scrutiny that will be offered and the safeguards, and how those will offer protection to the communities that those Members represent. In the event of the procedure being put in place and Parliament being convened, possibly during a recess or an election, what will hon. Members tell the families and communities who come to them and whose loved ones have been detained? What will those Members say in this Chamber, and what can they say, that will make scrutiny effective and make them credible as representatives in front of their own constituents?

Keith Vaz: The hon. Gentleman has considerable knowledge of these issues because of what happens in Northern Ireland, so we listen to him with enormous care, but the proposed safeguards are sufficient. The Home Secretary will not come to the Dispatch Box and discuss individual details of cases: she cannot do that.

2.30 pm

Mark Durkan: What do Members tell their constituents?

Keith Vaz: If the constituents are detained under the current law, the current law must take its course.

Mark Durkan: What if they are detained under this procedure?

Keith Vaz: I assure the hon. Gentleman, and my hon. Friend the Member for Glasgow, Central, that under the emergency provisions proposed by the Home Secretary there will be redress for those who feel that they have been treated unfairly. In my view, the procedure is very simple. It will allow the House to decide whether to endorse what the Home Secretary is proposing, and that is good enough for me.

Mr. Cash: Will the right hon. Gentleman give way?

Keith Vaz: No, I will not. I gave way to the hon. Member for Foyle (Mark Durkan) because of his knowledge of these matters.

As I have told the Home Secretary in conversations with her, and said publicly in articles that I have written, I am also concerned about community engagement. It is clearly important for us to bring communities with us; we cannot win the war on terrorism unless we do that. Only last week, the Home Secretary announced the provision of £12.5 million that she hopes will be spent on preventive work in the community—

Jeremy Corbyn: In Leicester!

Ms Abbott: In Leicester!

Keith Vaz: I think that the money will be of great benefit to the people of Islington and Hackney, and to those all over the country, as they seek to work and engage with the Government on this issue. I do not think it right for us to feel that we cannot carry communities with us, although I am keen to ensure that the resources that the Government are allocating are allocated fairly and do the job that they are intended to do.

Finally, let me say something about references to the director general of MI5 and the police. I have not heard the director general of MI5 say—to me or to the Committee—that he wants the period to be extended from 28 days to 42, and the Government are not maintaining that he has said it to them, because that is not his job. The job of the director general of MI5 is to advise the Government about the threat. In his speech, which was presumably on the record—if he did not want it to be reported, he should not have made it to the Society of Editors—the director general, Jonathan Evans, was very clear indeed. Some of the facts have already been given by the Home Secretary. At least 2,000 individuals who are believed to be a direct threat to the safety of our citizens are currently in the United Kingdom, there have been 20 known plots, and 200 suspect groups are being monitored. There have been 15 attempted terrorist attacks in Britain. It is a matter of record, because it is in our report, that the Committee met the director general of MI5. We were not prepared, quite rightly, to discuss what he said to us, but he has said publicly that those threats exist, and are real and growing. That is the advice that he can give.

In their evidence, the police—Sir Ian Blair, Peter Clarke and others—made it clear to us that they wanted the current period to be extended. I think that Sir Ian Blair talked about "up to 60 days". The police have made the case, and it is not for the security services to do so; nor is it for the Director of Public Prosecutions to do so. I have enormous respect for Ken Macdonald, and we readily agreed that he should appear before the Committee because he had not given evidence for its 2006 report. He made it clear that he did not consider the current period sufficient, but he also said that it was not up to him to decide whether it should be extended. That judgment can be made only by Parliament, and he will deal with whatever Parliament decides.

I think it quite wrong for Members to start passing the buck to those outside, saying that this or that individual is against the proposal.

Mr. Winnick: It is all part of the debate.

Keith Vaz: It is part of the debate, but it is not a conclusive part of the debate to say that because Jonathan Evans has not said that he wants an extra 14 days, we are not prepared to give him those 14 days. That is for us to decide.

I am very pleased with what the Government have done since these proposals were announced a year ago. This is the right course of action.

Mr. Gordon Prentice (Pendle) (Lab): Will my right hon. Friend give way?

Keith Vaz: No.

I hope that the dialogue will continue, but I firmly believe that the Home Secretary has conducted this matter properly, giving Members of Parliament an opportunity to express their concerns. Let me end by saying this to her. If she were proposing a permanent extension from 28 days to 42, I would not vote for this measure. I shall be voting for it because it is an emergency, temporary provision that will allow a permanent situation to be dealt with for that very short period. I know that the Home Secretary has given us those guarantees, and I look forward to her repeating them when she winds up the debate.

Chris Huhne (Eastleigh) (LD): I am pleased to follow the right hon. Member for Leicester, East (Keith Vaz). In my speech, I shall first explain why an extension of detention without charge matters to ordinary people and their freedoms, then I shall examine the weakness of the Government's case for such an extension and the feeble parliamentary safeguards offered by Ministers, and finally I shall argue that such excessive powers may be seen as illegitimate by substantial sections of our nation, and may act as a recruiting sergeant for the extremists.

Let me begin by trying to explain why the powers of executive detention contained in the Bill and the amendments are so serious. They are not powers that apply just to other people; they are powers that could apply to any one of us here today. We could be arrested on our way home, in a case of mistaken identity, and locked up—if the Government have their way—not for one day or seven days, but for six weeks. What would a person's employer think? What would their family think? Surely, they might say, the police could not really detain someone without some pretty clear evidence, using powers under a terrorism Act. As every street gossip will tell you, there is no smoke without fire.

We know, however, that of the six people who have come close to being detained for close to the existing limit of 28 days, half have been released without charge or any subsequent proceedings. Indeed, as was pointed out by the right hon. Member for Suffolk, Coastal (Mr. Gummer), who is no longer in the Chamber, it is inevitable that if these powers go on to the statute book they will be used for lower-priority cases, because the easier cases will have been dealt with first. The number of innocent people who are detained under the new powers is therefore likely to be particularly high.

Jacqui Smith: Does the hon. Gentleman realise that one of our amendments would limit the use of an extended period of pre-charge detention to the most serious terrorist offences, which would carry a life sentence for those found guilty?

Chris Huhne: The point, surely, is that if the Home Secretary had evidence that the most serious offences had been committed, there would be no need to extend the period without charge, because she would be able to go ahead and charge the people. My fundamental point stands: on the basis of the existing track record, this will affect people who may well be found to be entirely innocent. We know that three of those six people spent a month of their lives not even knowing what offence they had been accused of committing.

We could all name cases in which great injustices have already been perpetrated. One such case is that of the Algerian pilot Lotfi Raissi; an even more tragic case is that of the young Brazilian Jean Charles de Menezes. Most recently, there is the case of the students who were arrested for having terrorist materials, when they were writing a research report on Islamic extremism. The police do a commendable job in difficult circumstances, but they are human and therefore fallible. That is why we have a system of justice, and why checks and balances are crucial. It is also why we should not lightly concede yet another rise in the period of detention without charge.

Ms Abbott: Does the hon. Gentleman accept that holding people for six weeks when they do not know what they are being held for is in itself coercive? From the big miscarriages of justice in the 1980s, we know what innocent people will sign even when they have been held for far less than six weeks.

Chris Huhne: I am grateful for the hon. Lady's intervention, and I entirely agree.

Let me take the Government's case at face value. The Home Secretary argues that the Government need to extend the period of detention for terrorist suspects from 28 to 42 days because of the increased complexity of terror cases, citing the recent increase in the number of computer files and comparing the alleged airline bombing case in 2006 with the Dhiren Barot case of 2004.

However, that argument rebounds on the Government in a very simple way. An extension of a mere two weeks would be entirely useless if each bit of evidence had to be waded through and assessed in the way that the Prime Minister and the Home Secretary implied.

Lynne Featherstone (Hornsey and Wood Green) (LD): The argument about increasing complexity is often put forward, but is there not a case for expanding the capacity to deal with complex cases, rather than the length of time for which people can be held without charge?

Chris Huhne: I am grateful to my hon. Friend, and she is of course absolutely right, but I want to make another point. It has been said that it might be necessary to read material equivalent to one third of the contents of the US Library of Congress within the proposed legal limit of 42 days. If so, that would require 240,000 police officers working eight-hour shifts—a total equivalent to all the police officers in this country, plus 100,000 others on loan from a friendly neighbour.

In fact, the tools available to the police have also increased in power so that sense can be made of large amounts of data. Clearly, search engines are available to others, as well as to Members of this House. Moreover, the Government do not seem to take the problem too seriously: they legislated in 2000 to make it an offence to withhold data encryption keys, but that offence did not come into force until 2007. So much for the sense of urgency.

We have also heard that an inability to sift through data, whether encrypted or not, was not the cause even in those few cases that went close to the 28-day limit. In fact, the essential data issues were sorted out relatively quickly, as the right hon. Member for Haltemprice and Howden (David Davis) showed very effectively. Liberty has pointed out that in two of the three cases in which people were subsequently charged, the evidence relied on to bring those charges was obtained within not 27 days, or 26 days, but within four and 12 days, respectively.

No other common-law country has seen the need to do such violence to its freedoms. The Government like to bog the debate down in comparisons with Roman-Dutch law, but I am leaving countries that use such law entirely aside. I am talking only about countries such as Canada, the US, Australia and New Zealand, which have legal traditions exactly parallel to our own. Canada retains a traditional 24-hour detention period without charge.

Ms Dari Taylor (Stockton, South) (Lab): Is the hon. Gentleman saying that Lord Carlile's statements to the Committee were inaccurate and misleading? He said that the US Attorney-General had executive witness detention capability and was allowed to hold people for up to a year. He also said that similar powers were held by France and other countries, and that legal systems differ so much that comparisons are nonsensical. Was Lord Carlile being inaccurate? Was he misleading us?

Chris Huhne: I am grateful for that intervention, but I specifically did not make a comparison with inquisitorial systems such as the French one. If the hon. Lady had been listening to me, she would have heard me say that Canada retains a traditional 24-hour period of detention without charge. In the US, the period is two days. Australia has extended the period to 12 days, in part because of the special cooling-off periods between interrogations. There are no provisions in the Bill to put in place the equivalent cooling-off periods that might justify an extension of detention along the lines introduced in Australia.

The possible length of detention without charge is already more than twice as long in Britain as it is in other common law countries, even though we all face the same threats and technologies.

2.45 pm

Chris Bryant: How long does the hon. Gentleman think the detention period should be? Should it be one day, or two, or a week?

Chris Huhne: I am sorry that the hon. Gentleman was not present for the Second Reading debate, as I remember that another Labour Member made exactly the same challenge. I made my position very clear then. At the moment, I am very happy with a period of 28 days. We should stick with that period because that is what we voted for, but we need to regard it as an emergency measure and keep it under constant review—especially given the lack of evidence that even 28 days is necessary.

[Chris Huhne]

The hon. Gentleman asks about alternatives to the knee-jerk, Kafkaesque extension of detention without charge that is being proposed, but I believe that all the alternatives are much to be preferred.

The Bill allows questioning to continue after charge, and we welcome that. We should also allow intercept evidence, as is the case in Australia and the United States. The Committee considering the Bill took evidence from Sir Ken Macdonald, the Director of Public Prosecutions, who said that his counterparts in the countries that I have named found our refusal to use intercept evidence astonishing.

Most importantly of all, Sir Ken has described the considerable flexibility that the Crown Prosecution Service has to bring charges, which it can do even if it is felt at the time that the chances of a successful conviction are less than 50 per cent.—the normal test. In fact—this is crucial—Sir Ken pointed out that the CPS had had a 92 per cent success rate with terrorist convictions since the beginning of last year. As a result, he is on record as saying that the new powers are unnecessary. That is significant precisely because, if it is possible to secure a 92 per cent. conviction rate in cases brought after terrorist events have happened, as has been the case over the past two years, Sir Ken has the flexibility to achieve even more success should he decide to bring charges before a terrorist event occurs.

Detention without charge for terrorist suspects has already risen from seven days to 14 days and then 28 days, just since 1997. The sad truth is that Ministers are using this simple number as a proxy to persuade the public that the Government are tough on terror. In fact, such blunt instruments run the substantial risk of alienating the communities that we need to have on board if we are to fight terror effectively.

Ms Dari Taylor: I am grateful to the hon. Gentleman for giving way again, and I assure him that I am listening to him. A letter from the president of the Association of Chief Police Officers, which has been placed in the Library, makes it clear that

"the more recent 28-day period was used in the course of an operation in 2006 that is currently sub judice and cannot be discussed publicly due to the imminent trial."

Does the hon. Gentleman agree that that letter shows that the 28-day period is being used? If so, why is he claiming that there is no evidence that 28 days is appropriate?

Chris Huhne: The hon. Lady may not be aware of a rule of this House that sub judice proceedings can be discussed during discussion of proposed legislation. If she has a fact that she would like to put before us, as opposed to assertions and opinions, perhaps she will do so. As I have mentioned, what we know from ACPO's evidence is that there have been six cases that have gone near to, but not up to, the limit of 28 days. Therefore, it is, I believe, accepted in all parts of the House—I hope the hon. Lady accepts this, too—that there is no evidence for any extension beyond 28 days. Even Ministers put the case for an extension in entirely contingent terms, and talk about what may happen in the future if a whole series of other events occur.

The police need intelligence, and they need witnesses prepared to give evidence. Britain's most senior Muslim police officer, Assistant Commissioner Tarique Ghaffur, has warned that these arbitrary powers could have counter-productive effects in the Muslim community, exactly as internment had in Northern Ireland in the '70s. As the hon. Member for Foyle (Mark Durkan) has correctly warned us, internment drove a wedge between communities and the security services. Intelligence dried up, witnesses refused to come forward to give evidence, and the scars remain to this day. Tough macho measures proved horribly counter-productive, exactly as these measures may. I agree that there is not a precise parallel between what is proposed in the Bill and internment, but there is a parallel in terms of the sentiment and motivation behind these proposals and, as a result, there may very well be a parallel in the unfortunate counter-productive effects. Have we not learned the lessons of 30 years ago?

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): May I read to the hon. Gentleman a quote from Sir Ian Blair's evidence to the Public Bill Committee? He said:

"What we have said repeatedly is that, given the circumstances that the UK has faced over the last few years, the growth in the number of plots, the number of conspirators in each plot and the magnitude of their ambition, a pragmatic inference can be drawn that sooner or later we are going to need more than 28 days."—[*Official Report, Counter-Terrorism Public Bill Committee,* 22 April 2008; c. 11.]

Does the hon. Gentleman think the Government should disregard that?

Chris Huhne: The hon. Gentleman makes a point that has been made from the Government Front Bench on a number of occasions. Indeed, I have conceded that there is no evidence for the Government's case other than the possibility that there may be circumstances which have not yet occurred. If the hon. Gentleman feels that fundamental freedoms that have been part of the rule of law and due process in this country for centuries should be ditched on the basis of a hypothetical circumstance, he will vote accordingly, but he will not have Liberal Democrat Members going along with him.

Mr. Winnick: Should we not bear in mind that some of the Members who are so enthusiastic about the increase to 42 days were no less enthusiastic about voting for 90 days?

Chris Huhne: The hon. Gentleman is absolutely right. I am even more encouraged, however, by the number of people who voted for and supported 90 days but who now recognise that circumstances have completely changed. They include Lord Falconer, the former Lord Chancellor, and Lord Goldsmith, the former Attorney-General, both of whom highlight the point I have made: that the change in the nature of the threshold test means that circumstances are fundamentally different from when we last considered the issue of extension of detention without charge.

Mark Hunter (Cheadle) (LD): May I offer my hon. Friend an alternative quote from Sir Ian Blair? He has said on the record very clearly and simply:

"We do not have a case that has required us to go beyond 28 days."

Does my hon. Friend not agree that that comment, taken alongside similar comments from Sue Hemming of the Crown Prosecution Service and Sir Ken Macdonald,

the Director of Public Prosecutions, probably provides the most powerfully damning indictment of the Government's case?

Chris Huhne: That is absolutely right. The evidence that Sir Ken Macdonald gave to the Public Bill Committee made it clear that the CPS is heavily involved in all these investigations from the earliest stage, so the evidence that Sir Ken gave is particularly telling.

Frank Cook (Stockton, North) (Lab): Will the hon. Gentleman not consider the relationship between cause and effect when pondering an earlier intervention quoting Sir Ian Blair on the number of plots there are, and the increase in the number? Will the hon. Gentleman speculate about why there is such an increase, and why we are discovering more plots now? Is that because of provocation?

Chris Huhne: I would not like to go as far as that, but the hon. Gentleman makes a point that I hope other Members will take into account.

I wish now to turn to the so-called safeguards in the Government's amendments to the Bill.

Mr. Baron: Before the hon. Gentleman moves on to the important matter of the safeguards, may I return to the issue of international comparisons, as that adds power to his argument as to why 42 days is not required? Liberty's figures are very clear for other common-law jurisdictions—they show that other countries do not need more than a week—but the power of that argument is given extra force because, both across the Floor of the House and through written parliamentary answers, the Government have admitted that they have undertaken no similar comparison. They are not in a position to criticise those figures, because they have not investigated the comparisons properly themselves.

Chris Huhne: I am grateful to the hon. Gentleman for his intervention, which has clarified the point.

Jacqui Smith *rose—*

Chris Huhne: I think the Home Secretary would now like to seek to clarify matters.

Jacqui Smith: I hope that the hon. Gentleman would want to advise the hon. Member for Billericay (Mr. Baron) to take a good look at a letter I placed in the Library yesterday, which clearly spells out our view of the international comparisons.

Chris Huhne: I am delighted that the Home Secretary has been spurred to answer in the nick of time ahead of this debate.

Mr. Baron *rose—*

Chris Huhne: I have no doubt that the hon. Gentleman and the Home Secretary will continue that interesting joust elsewhere afterwards.

Let me now turn to the so-called safeguards in the Government's amendments. First, it would still be up to the Home Secretary to determine whether the conditions for extended detention had been met. In theory, her decision has to be in response to a "grave exceptional terrorist threat", but that need hardly constrain her, as even the possibility of a threat remote from these islands would be enough. New clause 20 states:

> "In this Act 'grave exceptional terrorist threat' means an event or situation involving terrorism which causes or threatens—
>
> (a) serious loss of human life".

That is not by any means restricted to the United Kingdom. This could almost be regarded as the "Tongan clause" as it would allow any "grave exceptional terrorist threat" in Tonga to trigger the extension by the Home Secretary of the period of detention without charge from 28 days to 42 days. That is not exactly the sort of safeguard this Parliament is used to having in connection with a matter involving fundamental freedoms.

Mr. Grieve: The hon. Gentleman is right to analyse this area of the Government's proposals, because it is key to whether they are workable. However, I am by no means persuaded that the Home Secretary needs the existence of a "grave exceptional terrorist threat" to extend the maximum period of detention, because as the Bill is drafted that is not a prerequisite for doing so. All that is required is a report that such a further extension is needed because it is necessary for one or more of the purposes set out in a subsection that is, effectively, about detaining people, obtaining evidence and carrying out analysis of that evidence.

Chris Huhne: I am grateful to the hon. and learned Gentleman for his intervention. That is above my legal pay grade, but I am sure that if this Bill were by some mischance to be put on to the statute book, it would keep many of his legal colleagues in fruitful employment for many years to come.

Once the Home Secretary had triggered the extension beyond 28 days, there would be a seven-day period within which a debate and a vote would have to be held. Executive detention is thus automatically extended by these provisions to 35 days before Parliament would have the opportunity to set it aside.

3 pm

Lynne Jones (Birmingham, Selly Oak) (Lab): I turn to the point about what would trigger these powers. Interestingly, my right hon. Friend the Member for Leicester, East (Keith Vaz) writing in *Tribune* last week said:

> "There must be a genuine national emergency, the discovery of multiple and complex plots aimed at causing massive loss of life, the extent of which would overwhelm the capacity and resources of the police and security services and relate to a life and death situation with hundreds of people caught in a terrorist outrage."

I am sure we would all agree that in such circumstances there might be a case, but is it correct that this is not the trigger that would give the Home Secretary the powers to ask this House to extend the emergency powers?

Chris Huhne: The hon. Lady is correct to point that out. I have searched in vain for the amendment tabled by the right hon. Member for Leicester, East containing precisely the provisions that he suggested in that article; I fear that it does not appear to have made the amendment paper. Perhaps it will be a last-minute addition, rather like the Home Secretary's letter in the Library.

In any case, it is very hard to see how the House will tread the narrow line between debate that could be prejudicial to a court case and general blather, which

[Chris Huhne]

would simply boil down to whether the House trusted the judgment of the Home Secretary. That is hardly confidence-inspiring, and it is certainly not a serious check on the potential abuse of Executive power, so those who would believe that there are genuine safeguards in the Bill are misplacing their faith.

The fight against terrorism is far too important to be reduced to populist symbols that would substantially curb our hard-won freedoms. This cause is central to the Liberal Democrats' belief in the rule of law, and in checks and balances on arbitrary power. The Government run the risk, with these provisions, of giving the terrorists exactly what they want, which is clear evidence of an insensitive and oppressive state. We must not, and we must never, become what we are fighting.

Mr. Andrew Dismore (Hendon) (Lab): I rise to speak to the new clauses and amendments that stand in my name, which have been tabled to give effect to recommendations made in the Joint Committee on Human Rights reports. I approach this issue with my eyes open; I am not wearing rose-tinted glasses. I remind the House that I was the first to raise concerns over the activities of extremists, from early 1998, when I was warning about Abu Hamza, Bakri Mohammed, Abu Qatada and many others. In those days, everybody thought that I was a bit of a nerd and nobody took any notice of me. I hope that today they will take notice of what I have to say, as they did after 9/11, but not before. As a consequence of what I did, I suffered hate mail, death threats and vitriolic personal attacks. In addition, five of my constituents—more than the number for any other constituency—were killed on 7 July 2005, so I do not approach this matter with any liberal leanings.

I voted for 90 days, because at that time I saw no other option. I have since changed my position, because the Government have not made their case for new powers, we have experience of the 28-day maximum, the safeguards are not adequate, alternatives are available and I do not believe that the proposals will make us safer. In fact, they risk alienation and division in our society.

The Joint Committee on Human Rights has reported on 11 separate occasions on counter-terrorism policy, and an array of our reports lie on the Table, tagged for today's debate. They all start from the same basic premise: that the state has a positive obligation in human rights law to protect us all from terrorism and violence; and that the state has a duty to prosecute and to make prosecution more effective and, as far as possible, to do so as part of ordinary criminal law. Each erosion of the normal process is, in itself, a result for the terrorist, who would undermine our freedoms and way of life. We run the risk of doing his work for him.

Mr. Cash: Would the hon. Gentleman be good enough to explain to the House why he thinks that the opportunities made available through habeas corpus would not be able to satisfy the criteria that he has just described in terms of civil liberties?

Mr. Dismore: I am grateful to the hon. Gentleman for that intervention, and I shall come to that point later.

I do not believe that the Government have made their case for the need for 42 days. In the evidence that they have given to us, the threat level has been described as "about the same". There have been assertions of a growing threat in terms of numbers, but no qualitative analysis or assessment has been provided. We should never underestimate the threat, which is of course serious, but equally we should not over-hype it. We need to give a clear and accurate picture in order to maintain public confidence. I think that it is instrumental that the three most recent attacks have been somewhat amateurish affairs, as we all know.

The numbers that we are given could mean either that there are more plots and plotters, which would be worrying, or that the substantial extra resources that we have given the security services mean that they know more about such people than they knew before, when they were below their radar—that, of course, would be reassuring. The numbers relate to the general level of the threat, and that is not relevant to the 42-day debate at all. What is relevant to the debate is when the plotters are subject to arrest, if and when these plots become crystallised. We do not have much information about such matters, other than in respect of the cases that we know about. Such cases are far fewer in number than the thousands that we are told exist.

Although the director of MI5 is prepared to give a lecture to the society of newspaper editors on this issue, he is not prepared to repeat his lecture to a parliamentary Committee and to take questions on it from such a Committee. We invited him to do so. We did not want to talk about the secret squirrel stuff. We wanted only to discuss the broad issues, but he was not prepared to come before us. We wrote to him in December 2007 asking for his assessment of the increase, but we have yet to receive a reply to that letter.

Kali Mountford (Colne Valley) (Lab): When we considered this matter in Committee, we were given some evidence by Sir Ian Blair of a growing threat. I am concerned, as I hope my hon. Friend is, that if we should decide at some point that we would need an extension of the time in which to examine evidence concerning somebody who is suspected of committing a terrorist attack on this country, that should not happen in a heated situation after some event. We should take such a decision after a calm and collected discussion, such as we are having this afternoon. Can he comment on that?

Mr. Dismore: I entirely agree with my hon. Friend that we need to discuss this in a rational way, and I shall be giving her an alternative, my amendment (a), which I hope she can support. It answers the point.

The Government pray in aid a variety of plots and trials, but they have all been dealt with under the existing arrangements satisfactorily and effectively. The Dhiren Barot case has been trotted out again, but that was dealt with under the 14-day rule. That was one of the cases that they used in the argument for 90 days, which led to the compromise of 28 days, so that is an old argument that was dealt with two years ago. The parliamentary Labour party briefing refers to eight other plots, which were all dealt with under the 14-day rule, except the alleged airline plot, which was dealt with under the 28-day provisions. There is no evidence

of anyone having been released when they not should not have been. The 28-day power has not been used for a year, and it has hardly been used at all. Yet, this new power is being sought on spec for what we are told are future extreme cases.

Anne Main (St. Albans) (Con): I wanted to ask the Home Secretary this earlier. Have we seen one shred of evidence that the figure of 42 days—or any other number above 28 days—has been justified? The figure appears to have been plucked out of the air speculatively to reassure people, yet it has not one shred of evidence to support it.

Mr. Dismore: The hon. Lady makes her point, and I shall not demur from it. We are told that the reserve power is needed for a "grave, exceptional terrorist threat". On 23 January, in the *Daily Mirror*, my right hon. Friend the Minister for Security, Counter-Terrorism, Crime and Policing asked us to imagine two or three 9/11s. On the "Today" programme on 2 June he said that there was a

"substantial threat against the nation"

and that we have a

"backstop for truly exceptional situations"

He also mentioned the "nightmare" and the "doomsday scenario". If that is so, the powers are already in place. I am talking about the power to derogate from article 5—the right to liberty—and to disapply a fundamental right that goes back to the Magna Carta of 1215.

My amendment (a) provides a system to enable that derogation to take place. If there is a public emergency threatening the life of the nation, article 15 permits derogation from—that is, disapplication of—the right to liberty. A co-ordinated, large-scale attack on the nation's political, military and financial institutions, such as 9/11 in the US, would meet that test, never mind two or three 9/11s at the same time.

Under derogation, the Government are entitled to take the measures that are strictly required for the exigencies of the situation. Derogation is not a new solution. The Belmarsh detainees were held under a derogation power, and the case failed on discrimination grounds. The control order powers in the Prevention of Terrorism Act 2005 provided for derogating control orders, but they have not been used.

My amendment sets out a process to enable the Secretary of State to make a designated derogation order in anticipation of any future need because of such a terrorist attack. It incorporates safeguards such as judicial review and parliamentary approval, and this proposal would give the Government everything that they profess to need—an emergency reserve power for the truly exceptional cases, with appropriate safeguards.

Why will not the Government accept my amendment? As has begun to emerge, the Government want the reserve power not for the extreme cases, but for far less than their public statements suggest. They want that power not for two 9/11s or for a substantial threat against the nation. The letter from the Minister to the Human Rights Committee on 6 June states:

"The definition of grave exceptional terrorist threat which we now propose would cover events or situations similar to the bombings in July 2005, or a plot to blow up a shopping centre or a plot to commit terrorist atrocities overseas involving serious loss of life. We do not think any of these are covered by the Civil Contingencies Act definition of an emergency."

The July 2005 bombings were dealt with under the 14-day regime. The shopping centre example would not be a multiple plot. Atrocities overseas may be nothing to do with us. Today we had another letter from the Home Secretary that said that the attempted airline plot would have been a case in point, but that was dealt with under the 28-day procedure.

The implication from the briefing sent to the parliamentary Labour party is that all the cases listed, which were dealt with under 14 or 28 days, would in future be subject to the 42-day maximum. The power is not meant for exceptional cases but for the sort of cases that have been dealt with adequately so far under existing powers.

Mr. Cash: The hon. Gentleman makes a case exclusively based on the application of the European convention on human rights and the Human Rights Act 1998, and the derogation in article 5. Why does he insist on that route, rather than that of habeas corpus, under which the court would have the right to make a proper inquiry if given that power in statute by this House?

Mr. Dismore: First, I will come to habeas corpus, as I promised the hon. Gentleman earlier. Secondly, we are subscribers to the European convention on human rights—and rightly so—and I propose a way in which we can lawfully do what the Government wish us to do in cases of major emergency.

We have now had experience of the 28-day limit. I remind the House that 28 days was to be an exception, with the norm being 14 days and the issue subject to annual review. The DPP tells us that he has managed reasonably comfortably. Sue Hemming, the chief prosecutor, says that 28 days has proved to be "sufficient". We have already heard the figures for the alleged airline plot. Six were held beyond 14 days, with two charged just before 28 days and three released just before. The latter were not re-arrested or subject to control orders.

The 28-day limit has been used only in two other cases. Up to now we have had no quantitative analysis of those cases, although the Opposition Front-Bench team produced some yesterday, which showed that there was little questioning of the suspects during that period. We have heard today that in fact the evidence to support a threshold charge was probably in place by 14 days for the two who were held up to the 28-day limit. However, until we receive the detail, we cannot be certain that that was the case. We must also take into account the possible urgency of the investigation. If we had had a 42-day limit, would those three people have been held for that time in the hope that some evidence might turn up, rather than for 28 days?

The judicial safeguards proposed in the Bill are effectively the same as those for 28 days, save that the DPP and the chief constable have to authorise the application for the extension. The existing process is not fully judicial in accordance with article 5. The Government say that it involves a proper judicial hearing, but the case of Garcia Alva *v.* Germany in the European Court of Human Rights makes it clear that the criteria that the Government operate do not match those that the court expects.

3.15 pm

Even if there were no problem with the process for 14 days, or even 28 days, it is wrong to say that neither would there be a problem for 42. The longer the period

of detention, the more stringent the procedural safeguards need to be. The Government say that there has been no challenge to the extension process in court on the grounds of incompatibility, but there was: the case of Naseel Hussain, which was one of the first 28-day cases. It failed on a Catch-22: the High Court said that it could not review the decision of the High Court judge to extend the period of detention.

That ruling would also, in effect, exclude habeas corpus. That court case decided that the warrant of further detention was a judicial hearing for the purposes of article 5.4. If that is so, that is the judicial hearing that would be required by habeas corpus, so any application for habeas corpus would be struck out by the court as an abuse of process. New clause 35 is very important because it would overcome that particular problem.

Mr. Cash: That still does not resolve the problem of why the hon. Gentleman prefers to go down the route of the European convention on human rights and judicial review, when habeas corpus would be available.

Mr. Dismore: I support the hon. Gentleman's new clause and I see it as a matter not of either/or, but of both.

We hear that there will be an ex gratia compensation scheme. We can infer therefore that the Government accept that the provisions do not comply with article 5, because article 5.5 provides for compensation for someone held in breach of article 5. As the compensation scheme is to be confined solely to cases under these arrangements, and not applied generally to people held on charge and released, one can only assume that that is the case. We must also consider the impact that that would have on other suspects—for example, those who may have been held on bail for a long time and then acquitted. They will say, "Well, the Muslims are getting money, why aren't we?" That could have an impact on community relations.

New clause 1, which I tabled, suggests improvements to the judicial process including entitlement to judicial process; a statement of the basis for arrest; the gist of the material forming the grounds for suspicion to be given to the suspect; a special advocate for the closed part of the hearing; and entitlement for the judge to look at whether there are reasonable grounds for the belief that the suspect is involved in terrorism and, in other words, to check whether the arrest was justified in the first place. At the moment, judges are entitled only to consider whether the investigation was necessary and has been conducted diligently.

New clause 37 would provide for judicial review of the Home Secretary's decision, if the existing arrangements stay in place, on whether there is a grave threat, whether a reserve power is needed and whether it is needed urgently. I am not sure whether the Government agree that those should be subject to judicial review; I suspect not.

New clause 36 would provide that similar provisions to those in the Civil Contingencies Act should apply to the Human Rights Act and the emergency regulations, so that the courts could intervene and quash them if they were considered to be unlawful. I think that the Government agree with the point and it would be appropriate to include it in the Bill.

On the question of parliamentary safeguards, the independent legal advice to the Home Secretary on whether the reserve power is needed would ask the same questions as a court, essentially considering whether an individual's detention would be appropriate. That will be passed on to the Select Committee Chairs, including me if I am still in office—I suspect that I probably will not be, considering the way that I am going. If I were still in office, on Privy Council terms, it is not quite clear what I would be able to do with that information. I would not be able to check whether it was accurate or to get advice on it. I would not be entitled to share it with members of my Committee. I would be entitled only to read it and to think, "Mm, interesting." I would not even be entitled to refer to it in a debate on extension before the House. Although the fact that it would be shared is welcome—I am a prurient, nosey chap who likes to know what is going on—it would not achieve a great deal.

The safeguard allowing us to have debates within seven rather than 30 days is welcome, as is the fact that Parliament would be recalled. However, the debate will be even more circumscribed than we originally thought, not just for the reasons advanced by the hon. and learned Member for Beaconsfield (Mr. Grieve) but because the questions will be the same all the way through. The DPP and police report to the Secretary of State will be in similar terms to the application that they will have to make in an individual case. Independent legal advice to the Secretary of State will again raise the same issues. The advice to Parliament would be redacted to prevent any prejudice to the trial. The same issues will arise with the Secretary of State's order as arise with individual cases, as she will have to be satisfied about them when she comes to make the order. When Parliament comes to approve the order, it will consider the same issues again. Therefore, because we cannot risk prejudicing a trial, the debate may only be very general. It will consider the sort of things that we debated in the previous cases on the back of the statement, which is hardly sufficient to justify the possible deprivation of liberty not only of the suspect in custody but of any other suspects arrested over the next 30 days. Inevitably, too, it would be a whipped vote.

Mr. Grieve: Does the hon. Gentleman agree that although it is absolutely right that the order would also cover the arrest of anybody else in the following 30 days, the trigger mechanism clearly implies that it would be precipitated by one case? That is the most likely outcome. Those circumstances will make it even more difficult to debate the issues surrounding the making of the order in this House, because the generality probably will not be there. The debate will be entirely dependent on the report, which will be made to the Secretary of State in the first place, on the operational need for an extension, relating probably to individuals.

Mr. Dismore: The hon. and learned Gentleman is correct. The same argument will continue in the debate on the reviewer's report six months later. Of course, we do not know when that will happen, because if the period of extension is repeated—if it is set for 30 days, then for another 30 days, then for another 30—will that six-month review take place after the expiry of the first 30 days or of the subsequent 30-day periods? Putting that to one side, the chances are that the reviewer's

report will come before the House while the suspect is awaiting trial, so there is an even greater risk of prejudice when debating the reviewer's report.

David Howarth: The hon. Gentleman is making a very powerful case. Does he accept that the point made by the hon. and learned Member for Beaconsfield (Mr. Grieve) is strengthened if one looks at the detail of what the Government are proposing in new clause 22? New clause 22(5) states that the report on which the whole thing is based

"must also state that each of the persons making the report is satisfied that the investigation in connection with which the detained person or persons is or are detained is being conducted diligently and expeditiously."

That means that there will have to be an individual case. If there is no individual case, there cannot be an extension.

Mr. Dismore: The hon. Gentleman is entirely correct, and his point adds weight to the argument.

The other safeguard, we are told, is that the power will be reduced in length to 30 days. That is an improvement on what we had originally, but it can be renewed back to back indefinitely by the repetition of the same process. It could go on to 30, 60, 90 or 120 days. Who knows?

There are alternatives. The Joint Committee on Human Rights first proposed a package of alternatives in 2006 that offers a coherent, human rights-compliant alternative. For the big emergency cases—the 9/11s—we have the derogation process. For all the others, there are alternatives.

The most important alternative is threshold charging. Many Members, I suspect, do not understand what threshold charging involves. It means that the individual is charged on the basis of reasonable suspicion of the commission of the offence based on admissible evidence, as opposed to arrest, which can be based on inadmissible evidence. It is predicated on how the investigation is anticipated to proceed. We can compare that test with the normal full code test of "more likely than not". Some 50 per cent. of terror cases so far have been charged on that basis. It has proved very effective in practice, with a conviction rate of more than 90 per cent. In my view, it is important that that process is made statutory with appropriate safeguards, and my new clause 2 will do that.

Incidentally, if we use the threshold test as our international comparator rather than the full code test, we see that the threshold test in some of the other common law countries, such as America and some of the continental countries, is not that dissimilar from some of the questions that investigatory magistrates have to pose. Both sides of the debate have probably overstated their case for and against international comparators, but if the threshold test is used, the position is perhaps a little clearer.

The second alternative is the new offence of acts preparatory to terrorism. It is a broad offence, and when charged on the threshold basis and in combination with that threshold test, it provides a broad and easy process for the prosecution service to follow. As we have heard, two of the alleged airline plotters were charged within 28 days with acts preparatory to terrorism on the threshold test. If, within 28 days, a reasonable suspicion cannot be established on the threshold basis that the accused has committed an act preparatory to terrorism—a very broad offence—the chances of our getting them for anything are probably negligible.

Mr. Marshall-Andrews: I am listening with great interest to my hon. Friend. Given the research he has done, can he explain to me and the House what is wrong with a holding charge? A holding charge is used in criminal jurisprudence in every other aspect of crime, so why should it not be entirely available in terrorism cases?

Mr. Dismore: I think that the holding charge system is dishonest; it would undermine the justice system and bring us into disrepute. It would also run the risk that a suspect who had committed a more serious crime would be released on bail when he appeared before the court. I do not recommend that route.

Ms Dari Taylor: Will my hon. Friend give way?

Mr. Dismore: I need to make some progress, as many Members want to speak.

Alternative No. 3 is post-charge questioning, which we debated yesterday. Alternative No. 4 is my new clause 3, which proposes police bail with conditions similar to control orders for people on the fringe of plots, such as the inciters and funders—the sort of people we were talking about earlier. They could be closed down entirely while their computers were analysed. They could be prevented from communicating and from going where they want to go. That option was suggested at Paddington Green during our visit there.

Alternative No. 5 relates to intercept evidence and the Chilcot review. Alternative No. 6 is more specialisation in the CPS, as is already happening. Alternative No. 7 would be more active case management by judges. Why are judges not tougher on some of the unjustified delaying tactics and obstruction deployed by defence teams? Alternative No. 8 involves a suggestion put to us by the Director of Public Prosecutions and relates to incentives for those on the periphery to give evidence—for example, lower sentences and witness protection, although obviously with appropriate safeguards.

The Government response to that package is that they do not look at it as a package. They accept that such proposals would reduce pressure to go beyond 28 days, but say that they would not entirely eliminate the risk of running out of time. However, for that matter, 42 days or 90 days would not entirely eliminate that risk. As the DPP said to the Public Bill Committee, it is always possible to posit hypothetical scenarios; the question is whether they are "remotely likely".

When the Joint Committee made its recommendation about putting threshold charging on a statutory basis, the Government response, in terms of the impact on affected communities, was:

"Communities most likely to be affected may react adversely if they perceive that terrorist cases are uniquely charged on a lower evidential threshold."

The inference of the Government's position must be that such communities would not react adversely if they perceived that people in such cases would uniquely be detained for 42 days. What a non sequitur. If the threshold charge created an adverse reaction, surely a 42-day period would, too.

We have only to look at the briefing issued by the Equality and Human Rights Commission to see what Muslim people really think. The Government say that Muslim communities are no different from any others—they

[Mr. Dismore]

want to be protected from terrorism. Of course they do. They want to be protected from the backlash. Of course they do. However, it is appropriate to note that in London everybody came together after 7 July and there was the opposite of a backlash. People were concerned to ensure that the Muslim community was protected and reassured.

Finally, would the proposal make us safer? It is not a deterrent to terrorism, but an investigation tool. It could make things worse if the consequences are alienation, less co-operation, less information and less intelligence. There are risks in lesser cases—not in extreme doomsday cases, because derogation deals with those—that someone who should be charged is released after 28 days with no control order. What if they are released after 42 days? The offence of acts preparatory to terrorism and the other examples I gave offer an alternative package for such cases. The risks need to be balanced against the effect of releasing an innocent person, even with compensation, after six weeks.

I regret to say that the Government have not made a case for the need for 42 days. Even if they had, derogation is available. We have experience of 28 days. Alternatives are available. The safeguards are inadequate. The proposal will not make us safer and I hope the House will not accept it.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. Before I call the next hon. Member to speak, may I say to the House that I appreciate that the matters under discussion are extremely complicated, but a very large number of hon. Members are seeking to catch my eye, and I am sure that the House wants to hear as many contributions as possible from hon. Members in all parts of the Chamber? If everybody makes a big effort to make their remarks as brief as possible, it would be appreciated by all hon. Members.

Mr. Michael Mates (East Hampshire) (Con): When the House debated the 90-day detention limit last year, I abstained—not happily, because I do not happily go against the advice of my Front-Bench colleagues, but because I did not feel that the Government had made a sufficiently detailed case for the extension. Since then I have twice said to the Prime Minister—once in Prime Minister's Question Time and once when he made a statement about security—that a detailed case would need to be made if we were to be persuaded to change our minds. I am sorry to say that although the Government have gone some way down that road, they have not yet given any concrete reason why the extension is necessary, except to say that it may be required at some future event. That is a reasonable way to go, and I shall come to that point later.

3.30 pm

Let me refer back to the time when the Operation Crevice plotters were under investigation and on trial, and the Security Service carried out its biggest ever investigation. It should be congratulated on the success of that. Although the Intelligence and Security Committee received regular briefings about the progress of those cases, we did not know whether there had been any problems to do with the length of time for which the people concerned were detained, or whether it was causing any difficulty in bringing the charges and trials to a successful conclusion. It turns out that there was not any such problem in either of those cases, which are the two largest cases that the Security Service and the police have ever undertaken.

One of the difficulties today has been that the Prime Minister said a few hours ago in Question Time that it was the Security Service that wanted the measures introduced; his words were very clear. The Home Secretary said exactly the same in her opening remarks today. I have known that that was not the case for some time, but until yesterday I felt myself unable to say why I knew that. Yesterday, on the Security Service website, Jonathan Evans, the director general of the Security Service, made it absolutely clear that that is the Security Service's position, saying that

"we are not, and never have been"

advising

"the Government on pre-charge detention time limits."

That is absolutely clear. My hon. and learned Friend the Member for Beaconsfield (Mr. Grieve), the shadow Attorney-General, suggested—inadvertently, I think—that the Prime Minister misled the House. I do not say that, but the Prime Minister was wrong to say that the Security Service had wanted an increase in the time, and I am sorry to say that the Home Secretary was wrong to say exactly the same thing a couple of hours ago.

I do not believe that the case has been made. I do not have a problem with the principle of detaining someone for longer if there is cause for it. Neither do I object in principle to someone saying, "We do not want to do it when or if there is a major terrorist incident." I am not happy about the Executive taking more powers for themselves, no matter what safeguards they write into a Bill. I am not making a party point; I would say exactly the same if our party was in government. The Government may want to plan ahead, but God forbid there should be an incident in which all the measures that we are discussing are necessary. This is the time to say, "The Executive have quite enough power. We must turn to the judiciary to decide the matter."

If the Government came forward with a proposal that a High Court judge should consider individual cases when the police or security services said that they were in difficulty and needed more time, and the case was made to the judge, it would be acceptable for the period of detention to be extended. I say that because I believe that the British public trust the judiciary. I am sorry to say that they do not trust an overweening Executive. Again, that is not a party point. I am afraid that when Governments say, "This has to happen, otherwise something dreadful will take place," the public view it rather cynically. If a High Court judge were to say the same thing, that would be largely acceptable to the British people.

Ms Dari Taylor: I am grateful to my right hon. Friend, and Friend he is. I have listened carefully. What he is requesting is in the Bill, according to my reading. If an extension from 28 days is to be made, a High Court judge must approve that, on the evidence presented to him or her.

Mr. Mates: That is the safeguard to which I was referring, but it is the Executive who will take the original decision. It is the authorities who will say, "This is what we are going to do. Now we will go and check it with a judge." Provided it is within the law, the judge will have to obey what Parliament has decided to do. If we take the Executive out of that equation, we will re-establish the trust that that process will happen independently and fairly.

Mr. Cash: My right hon. Friend is making a powerful point. Precisely because the statute defines what is lawful, is it not the case that if the circumstances described in the statute create an opportunity to exclude habeas corpus, we get into a ridiculous and impossible situation? That is where we seem to be moving.

Mr. Mates: My hon. Friend, typically, has made that point four times, and I expect he will make it four times more.

Mr. Cash: I will, until it is accepted.

Mr. Mates: That is a point that my hon. Friend is making. I shall make my own.

Mr. Bailey: I have been listening to the right hon. Gentleman's argument, which has some force to it. However, he seems to have disregarded the fact that before signing the order, the Home Secretary must take independent legal advice from a non-Government lawyer. That requirement provides the necessary safeguards.

Mr. Mates: I do not want to move into controversial areas, but the former Prime Minister took legal advice about a certain piece of paper from his own Law Officers. But I do not want to go down that road, and I want to be as brief as I can.

Mr. Baron: Perhaps I can help my right hon. Friend a little. It is low hurdle that the judge has to consider. He does not have to consider whether the suspect is guilty or not; he simply has to consider whether proceedings are marching to time and whether there is likely to be new evidence. That is a low hurdle and does not involve the judiciary as we would accept it.

Mr. Mates: That is absolutely right.

There are further problems with the Bill. I accept that the Prime Minister and the Home Secretary have been looking for consensus, and I accept that that should not be a party political matter. The trouble is that the moment the Government realised that they had to start making concessions, they did not make the Bill better—they made it rather worse. In order to try and buy off some of the usual suspects, if I may use that phrase about some of my friends on the Government Benches, the Government introduced the concession of consulting Parliament.

Parliament, of all people, should have no role to play in the matter. I shall not rehearse the arguments that others have expressed much more eloquently than I have about what would happen if a particular case—because it must be a particular case—came in front of Parliament to decide, after someone had been in the slammer for more than 28 days. That concession makes the Bill worse rather than better and the one thing that I can say is that that measure has not got a chance of surviving scrutiny at the other end of the Palace because it is not our business to second-guess judicial or Executive decisions of a judicial nature.

If the Government, when they finally come back with what will be a much reformed Bill, are prepared to say—I am prepared to concede that there may be an event that is so cataclysmic, or it may be necessary to prevent a serious event from happening— that, because of the complicated nature of inquires, there must be detention for longer than 28 days, let that decision be taken independent of the Executive by a senior High Court judge. I believe that would be acceptable and if the Government proposed it, I would support it.

Ms Dari Taylor: It is a great pleasure to follow the right hon. Member for East Hampshire (Mr. Mates).

I rarely quote from *The Sunday Telegraph*, but today I want to quote from an article by Matthew d'Ancona in that paper because he presents the case and asks the appropriate question better than I could when he says:

> "We face a threat that is indeed new in scale, ambition, and complexity. The question is whether we have what it takes as a society to respond to novelty with new strategies."

I had the privilege of being a member of the Committee that considered the Bill. It was a privilege because, unlike other Committees on which I have sat, it took a significant amount of evidence, so that everyone began to feel that they understood the wide parameters of the Bill that we were possibly attempting to improve, but most certainly hoping to achieve consensus on and support for.

The evidence spanned that from the secretary of the Coroners Society, the Home Office terrorism specialist, Lord Carlile, the Metropolitan Police Commissioner, the Association of Chief Police Officers, Justice and Liberty. A vast range of excellent evidence was presented and carefully scrutinised by the Committee. We wanted to understand all opinions on terrorism, whether about intercept, pre-charge detention or reserve powers, so that we could ensure that we carefully walked the line that we have to walk between supporting and determinedly enabling individual civil liberties, while at the same time delivering a secure society for everyone.

I probably found the evidence of ACPO, the Metropolitan Police Commissioner and Lord Carlile to be the most convincing, but all of it was very valuable. The evidence of ACPO and the Metropolitan Police Commissioner, which was added to by a letter that I understand was placed in the Library, outlined the extreme and exceptional nature of potential and actual terrorist activity. Clearly, the argument made by both was to say: put on the shelf a power that we could need. We have taken cases to 27 and a half days—only two, that is right; maybe six—but when that power of detention is required, it should be to hand. That was a persuasive argument that I supported.

Mr. Winnick: I genuinely have a great deal of time for my hon. Friend, but is not the argument that she puts forward the reason why she voted for 90 days in 2005?

Ms Taylor: My hon. Friend is absolutely right that we have a great deal of support and affection for each other. I do not believe that I had then the amount of

[Ms Dari Taylor]

evidence or information that I have now. I have seriously taken time to garner the information that is available, and perhaps I should have done so previously, but the evidence presented by ACPO was clear. In the interval between November 2006 and 2007, it saw a rise in the number of people identified as causing concern, possibly involved in terrorist activity, from 1,600 to 2,000. During the same period, we had 15 terrorist attempts. I had not previously understood the quantity and capabilities of the terrorist group, but I think I understand them better now, and I hope that the House will respect this information.

The add-on factor, which, again, I found quite compelling, was that such people do not just have an identity; they have multiple identities. We are looking at a situation in which many more people are potentially highly problematic to us. Added to that was the complexity of the situation. We have all spoken about the global nature of terrorism and its investigation and about an informal network that is working within communities. In addition, there is the use of mobile phones, internet communications and the rest, which makes the issue very complex.

3.45 pm

There is one more factor. The House knows about it, but it is important for me to state it. There is a language input. Some languages are becoming more and more a part of a world that could be attached to terrorist activity, and oftentimes we have very few people with the competence to understand them, especially when those languages become colloquial. I say to the House, with a smile, certainly as I look at the hon. Member for Reigate (Mr. Blunt) on the Opposition Front Bench, that one of them is an Afghan language known as Dari. He would have expected that to be a problem, would he not?

Mr. Crispin Blunt (Reigate) (Con) *indicated dissent.*

Ms Taylor: The hon. Gentleman does not think so. In fact, of course, the problem is serious and I found the evidence quite compelling.

Crucially, we also wanted to see how the civil libertarian argument could be supported. We held very clear sittings during which we took evidence from Justice and from Liberty. Our concern was to consider the alternatives to extending the 28-day period. Was it true, for example, that we really would become the most anti-libertarian country in the world if we did so? Again, I shall use Lord Carlile as my textbook, but there were others whom I could have used. He said no, that each and every legal system is different, and that comparisons are very difficult to make. In the USA, the detention period is not two days at all. He said that the US Attorney-General has executive witness-detention capabilities and that they can hold people for up to a year.

David Howarth: I am interested in that point. Did Lord Carlile inform the Committee that the US federal material witness statute has been held by the federal court in Idaho not to apply at all to suspects?

Ms Taylor: As the hon. Gentleman will guess, Lord Carlile did not make that statement to the Committee. However, he did make statements that many of us checked, including the statement that we are not the most anti-libertarian country at all. We compare very favourably with others. The other statement that I would make quite determinedly is that many of the countries that we compare ourselves with, such as Canada or Australia, most certainly have not faced the hideousness of 15 very serious terrorist attempts, and most certainly have not seen 52 of their citizens die and 800 seriously affected as a result of terrorism. It is not true that comparisons are easy. I do not choose to make them; most particularly, I state that they should not be made.

Mr. Gordon Prentice: My hon. Friend does not realise that there was an attempt not so very long ago to kidnap the Canadian Prime Minister. In Canada, there is a one-day detention period—one day alone.

Ms Taylor: I did know about the Canadian Prime Minister, but I forgot about him. Perhaps I should not have done.

We also looked at post-charge questioning, because, again, it is a crucial issue. Is it true that we could question people post-charge and get the same quality of information? The response was that in the view of many in the legal system, which, again, includes Lord Carlile, post-charge questioning is certainly not a silver bullet. They believe that it will make a limited difference to cases. We persistently asked Lord Carlile about threshold testing, which was an important issue for us. He said:

"It is desirable in as many cases as possible that people should be charged with something approaching the criminality of which it is reasonably suspected that they are guilty and on which a prima facie case will be presented."

When we asked whether it was more capable of supporting a person's civil liberties, he replied:

"I do not see that as being any more human-rights compatible than a properly judicially supervised extended detention period that results in proper charges being brought on a sound basis, without the necessity to use the threshold test, which is undoubtedly second-best, as the Crown Prosecution Service recognises."—*[Official Report, Counter-Terrorism Public Bill Committee,* 24 April 2008; c. 122.]

We were concerned to see the evidence that we took factually represented.

Mr. John Redwood (Wokingham) (Con): Did the hon. Lady also consider how many innocent people might be held for 42 days and then released without any charges being brought? In her view, how many such people would be a reasonable number given her estimate of the extent of the threat?

Ms Taylor: The right hon. Gentleman makes an important point. Of course, nobody in this House would ever want an innocent person to be held. To date, we have not seen any innocent person being held—[Hon. Members: "Yes, we have."] All right, up to 14 days, but not 28 days. The fact is that we face exceptional circumstances involving horrific terrorist activities. Hon. Gentlemen decry the fact that I had forgotten for a moment that six, or perhaps three people were held beyond 14 days. None of us is perfect; I wish that we were. As we have seen, the terrorist only has to be lucky once, so sometimes the balance of the law must clearly be seen to protect the individual.

Ms Abbott: I entirely agree that none of us is perfect, but does my hon. Friend agree that it would be a highly imperfect system that led to even relatively small numbers of persons being held for up to six weeks, then released without charge back to their communities feeling troubled, bitter and angry? Would not that be entirely counter-productive in terms of community cohesion and getting the intelligence that is the only way in which we will effectively fight terrorism?

Ms Taylor: If I thought for one moment that the Bill would result in that scenario, I would not support the Government, but I do not believe that it will.

Frank Cook: As my parliamentary neighbour, I hope that my hon. Friend will consider the prospect that in supporting this measure there is a danger that she will erect a wall of resentment between herself and her Islamic community and that that wall may extend next door between me and my Islamic community—and I do not want that.

Ms Taylor: My hon. Friend says it as it is. To date, I have not received one letter from my Muslim community. I have spoken to the imams, who have no reservations about this—and let me tell him that if they had, they would have expressed them.

The fact is that I really do not need any other Member to tell me my responsibilities. I have made sure that my community is comfortable with this measure. Is it enthusiastic? Of course it is not. I would not claim that it was, but I do not need any Member to tell me where my responsibilities lie. I want to end—

Mark Hunter: Will the hon. Lady give way?

Ms Taylor: I have tried to conclude three times, Mr. Deputy Speaker, but here we go.

Mark Hunter: I am grateful to the hon. Lady. Some of her hon. Friends have raised concerns about the legislation's impact, if it goes through. I ask her to reflect on the views of a former Metropolitan Police Commissioner, Lord Condon, who said

"If we now go back and make it look as though we are going to challenge yet again the point of 28 days that we have reached, I fear that it will play into the hands of the propagandists, who will encourage young men and women—to all other intents and purposes, they are good people—to be misguided, brainwashed and induced into acts of martyrdom."—[*Official Report, House of Lords,* 13 December 2005; Vol. 676, c. 1175.]

Is that not the point that her hon. Friends were making a moment ago? Does she not share those concerns? Does she not attach any importance at all to the views of the former head of the Metropolitan police?

Ms Taylor: As I just said, I have spoken to my Muslim community. I was very clear about addressing the issues and to date, no member of it has made a statement that the measure would ratchet up concerns. The hon. Gentleman is right to present the case, but I am saying to him that I do not have that problem. Perhaps Stockton, South is an exception to the rule; I do not happen to believe that it is. I would like to end—

Lynne Jones (Birmingham, Selly Oak) (Lab): Will my hon. Friend give way?

Ms Taylor: I think that it is time for me to end. I have attempted to do so four times.

I end by quoting from a book that I read some time ago and recommended to the Public Bill Committee. It is a clear, well-executed book, called "Celsius 7/7" by the hon. Member for Surrey Heath (Michael Gove). I believe that what he says in that book needs at least to be heard, even if it is not agreed with. He says:

"We cannot be serious about defending liberty unless we ensure, through proper parliamentary accountability, that legislation designed to deal with a specific terrorist threat is on the Statute book for only as long as the threat exists. But we also cannot be taken seriously when we try to defend democracy unless we ensure that we show resolution in framing the laws necessary to prevent terrorists operating freely."

That is my position, which is why I shall vote with the Government tonight.

Mr. Llwyd: I rise to support Government amendments Nos. 4 and 5, which seek to delete the 42-day requirement from the Bill. Amnesty International published a report entitled "2007: The State of the World's Human Rights", in which Amnesty's general secretary, Irene Khan, says that fear of immigrants, fear of crime and fear of terrorism are used by states to suppress basic human rights. She develops that argument by saying that giving one group of people security at the expense of other people's rights is bound to fail, and that many anti-terrorist measures and laws have failed because they do not give that point enough consideration. They have

"done little to reduce the threat of violence...and much to damage human rights and the rule of law".

I regret to say that that those words are a reflection of what has been happening under this Government in this Parliament for some years now. Although the Government have decided that Ministers will no longer use the term "the war against terrorism", the need remains to ensure that we continue to feel under threat.

We must remember that each and every one of us has a right to freedom, and yet the Government are prepared to weaken it—a task that is far easier against the background of terrorist and violent threats. Everyone knows that Government policies—whichever Government they might be—tend to be created in the tabloid press, and it is difficult to have a meaningful discussion on security and penal policy without sinking deeply into the quagmire of superficial politics.

In saying that, I also readily acknowledge that the Government have a very difficult job to carry out. No one here would demur from the view that one of the prime duties of any Government is to ensure the security of their citizens. However, that raises the question of the balance to be struck between that obligation and the rights of the state. That balance is key to this whole debate. As Sir Ian Blair told us in evidence to the Public Bill Committee:

"Your job is to balance civil liberties against the threat. That is what Parliament is engaged in."—[*Official Report, Counter-Terrorism Public Bill Committee,* 22 April 2008; c. 22, Q26.]

I venture to suggest that today's problems cannot be addressed effectively by simply eroding civil liberties.

4 pm

There has been enough talk about balancing the freedom of the individual with the security of society. Of course that is important and it must be central to

our debate. However, many people believe that the scales have tipped far too heavily towards the state's interests, at the expense of the guaranteed rights that we have recognised for a century and more—rights and freedoms that meant that we stood out as an example of a civilised system that provided for the interests of the individual, alongside the interests of the society or state. That used to be the situation, at any rate.

We saw that keeping individuals under lock and key without going to court was inflammatory in Ireland and that it led to an intensification of the problems there in the 1970s and 1980s. I am not saying that the proposal for 42 days equates to internment, but clearly the same tensions come into play, negating rights that were guaranteed and increasing the number of those who turn to violence. It appears that the Government have simply not learned the lessons of history. I regret to say that that failure could be very expensive, although I hope that I am wrong about that.

To be fair, the Minister for Security, Counter-Terrorism, Crime and Policing has attempted to create a consensus on the issue over the past few months, and his office has been open to Opposition Members. The Bill contains some things that are helpful and acceptable, and they will be supported alongside certain safeguards. However, I am afraid that those on both sides of the Public Bill Committee came to the conclusion that there were misgivings about the Bill and about the mistakes made.

The Minister of State did his best to build a consensus, so it is surprising to think that a consensus had been built up over the past two years on the 28-day limit. Many of us who were vehemently opposed to 90 days were eventually persuaded, pragmatically, to fall in line with 28 days. Now, a mere two years later, that consensus has sadly disappeared. One must ask whether there is now a compelling and urgent reason to revisit that decision—a decision of the whole House that was arrived at by consensus. Sadly, I do not think that such a case has been made at all, and I say that with respect to the Minister of State and the Home Secretary. In all the discussions that we have had in the past seven or eight months, we have not seen any evidence whatever to justify the move, let alone any compelling and/or urgent evidence.

Several people have been quoted in this debate and several Committees and non-governmental organisations have been referred to. I shall avoid all that, as it can be taken as read. However, it is telling that both the Home Secretary and Sir Ian Blair say that there have been no cases in which the full 28 days were necessary. I have no desire to reel off all the quotations—I am sure that they are on the record—but hon. Members should think of the perfectly innocent people who are brought in and arrested. There seems to be an awful presumption among some people in the House that everybody who is arrested is, by definition, guilty. Good God, we have not reached that stage yet, and I hope that we never do.

We must also think about something that has not been mentioned hitherto—the effect of keeping an innocent person under lock and key without advising them of exactly what charges they are facing. I have represented clients as a solicitor and a barrister. I have seen innocent people in custody being questioned for three or four days and it has left an indelible mark on several of them. It has caused psychological problems in some cases. Let us magnify that up to 42 days and see where we go from there. How will those people's nearest and dearest feel when they return home totally innocent, but wrecked psychologically?

Dr. Julian Lewis: I emphasise that the hon. Gentleman makes a key point, particularly in the context of concern about a very small number of people being able to wreak a large amount of damage. Will he bear in mind that, given the policy on prisoner releases, putting someone in jail for six weeks is equivalent to sentencing someone found guilty in a criminal court to three months in prison and releasing them halfway through?

Mr. Llwyd: The hon. Gentleman makes his case strongly, and I am obliged to him for that.

Let me mention another issue gained from my experience—and I know that other people in the Chamber have practised criminal law. There is also a very real risk of false confessions being drawn out after a long period in custody. If that happened, it would not be the first time. However many so-called safeguards are in place, the person is still under lock and key and still has to live with himself or herself for 24 hours a day.

Jeremy Corbyn: I imagine that the hon. Gentleman will recall the historic cases of miscarriages of justice—the Guildford four and the Birmingham six—which were all based on confessional evidence. In the case of the Guildford four, the evidence was drawn while they were in detention under the prevention of terrorism Act.

Mr. Llwyd: That is absolutely right and it took many years to try to put things right there. Clearly, we do not want to go into that area again.

Mr. Grieve: There seems to be quite a lot of evidence that detention, particularly in pre-charge detention conditions, is extremely stressful for an individual so detained. In the course of inquiries I made into the background of the provisions, it was brought to my attention that in at least one case, there had been concern about the mental health of the person detained.

Mr. Llwyd: Yes.

Kate Hoey (Vauxhall) (Lab) *rose—*

Mr. Llwyd: I shall give way, but I hope that it will be the final time.

Kate Hoey: I thank the hon. Gentleman and I agree with what he is saying. Does he agree that raising questions about compensation almost makes the situation worse, not least in respect of people who have been kept in custody for murder and then released without charge? The whole thing will bring further chaos into the situation. Does the hon. Gentleman agree that it is wrong to suggest that compensation can somehow make up for six weeks of someone's life and the changes to it that those weeks will bring?

Mr. Llwyd: That is absolutely right. Offering compensation seems to me a tacit admission that there is a fault with the Bill.

I mentioned pragmatism earlier. Let me be perfectly honest and say that, despite my regard for civil liberties, if proper, urgent and telling evidence had been produced of the need to bring in the proposed law, I would seriously have had to reconsider the position, take off my civil libertarian hat or wig and start thinking carefully. However, nothing of that sort has been produced, including during the whole period of the Public Bill Committee. I have heard nothing to persuade me even the slightest way towards the Government's view. We know that the Law Society has made its view clear, as has the Joint Committee on Human Rights. As I said, I shall not mention the various bodies that have provided evidence, but I stress again that when it comes to evidence, I have seen nothing of a persuasive nature.

When the Home Secretary was interviewed on Radio 4 a few months ago, she admitted that she had no idea at all how many days were required. I intervened on the right hon. Lady earlier, but I am none the wiser. If, as we are told, the alleged plots are becoming more and more complex to unravel, why is the magic figure now half that of the previously recommended 90 days? Can anyone explain that?

In evidence to the Public Bill Committee on 22 April, Sir Ian Blair said:

"There is no magic figure; that is absolutely fair."

He went on:

"Our job is to suggest that sooner rather than later something will happen that will make 28 days insufficient. The Government have suggested 42 days and that is a matter for Parliament to consider."—*[Official Report, Counter-Terrorism Public Bill Committee,* 22 April 2008; c. 21-22, Q26.]

I say to Sir Ian Blair that that is hardly evidence on which I shall act to erode civil liberties.

Mr. Redwood: The hon. Gentleman is making a powerful case. Does he agree that, under this procedure, arresting someone who was a terrorist could be a disaster for the anti-terrorism campaign, because there might be no evidence or knowledge of what that terrorist had been up to? They might not know the network and all the other members of it would be alerted by that single arrest. Evidence would then get destroyed, which would make things very difficult.

Mr. Llwyd: Again, that is a strong point and I am obliged to the right hon. Gentleman for making it.

Today, we find out whether the debate is either well timed or an act of sheer desperation. We heard—

Mr. Mark Hendrick (Preston) (Lab/Co-op): Will the hon. Gentleman give way?

Mr. Llwyd: Not at the moment.

We heard from Lord Stevens that there is a real need for this measure and that some evidence is now coming through. I ask the question: are the Government using Lord Stevens as some kind of outrider to avoid having to "sex up" evidence, as they did with the Iraq dossier? I do not know, but I would not put it past them.

Dr. Julian Lewis: That was only 45 minutes.

Mr. Llwyd: Yes, that is quite right. As a responsible Member of Parliament, I say that if any evidence had been produced to me, I would have reconsidered. I would have looked carefully at the measure.

Mr. Hendrick: I thank the hon. Gentleman for giving way. Is the evidence that he requires witnessing somebody being released after 28 days with the police having been unable to find any evidence, and that individual committing an atrocity—blowing up a city centre, a tube station or an aircraft?

Mr. Llwyd: Is the hon. Gentleman suggesting that a control order would not immediately kick in, with intensive covert and overt surveillance? That is a preposterous notion.

David Howarth: To add to what the hon. Gentleman is saying, the point that has just been made applies to any number, whether it is 42 or 90.

Mr. Llwyd: Indeed it does.

I shall deal briefly with the safeguard—the parliamentary scrutiny. It is a complete fig leaf and a waste of time, for two main reasons. If we are given merely an outline of the case and the need for an extension on the view of the Secretary of State, Parliament will nod it through and vote yes. What if the matter goes to appeal and a court says no? Where will we be at that point? That is one of the problems involved with dressing Parliament up in a quasi-judicial function—a constitutional experiment that is doomed to failure.

On the other hand, if we are given all the details, as we arguably should be if we are to supervise the thing properly and scrutinise it, that will make a fair trial impossible. In the rush to try to get Back Benchers on board, the Government have made a complete mess of this part of the Bill. It is not even logical, let alone workable. It is nothing other than a fig leaf and, in the words of the Joint Committee on Human Rights,

"a virtually meaningless safeguard against wrongful exercise of the power."

Justice said:

"By definition, pre-charge detention is detention in circumstances where no evidence has been offered to charge a suspect with a criminal offence. No amount of additional parliamentary or judicial scrutiny can hope to overcome the fundamental lack of fairness caused by detaining a suspect without charge for ever increasing periods of time".

This part of the Bill is flawed. I have not touched on some of the opinions of various informed people on whether it is compliant with human rights, but I will not go down that road now. I know, however, that the Government have their opinion, and it is a moot point to say the least. Whatever we legislate and whenever we legislate, we should do it proportionately. This part of the Bill is not proportionate in any way. It is bad law, it has no evidential basis, it is unconstitutional and it is downright wrong. It has no place in any modern democracy.

Mr. Marsden: I want to focus on new clause 20 and amendment (a). Like many Members, I was a teenager in the 1970s. I was thoroughly aware—as we all were—of the terrible events involving the IRA in Northern Ireland, and, of course, the appalling miscarriages of justice suffered by the Birmingham Six and the Guildford Four. Similarly, like so many others here, at the time of both 7/7 and 9/11 I had friends and associates in the eye of the storm. Those experiences, and the history of legislation generally, have convinced me that we must do our best not to legislate in hot blood, and not to make hasty decisions in particular circumstances.

4.15 pm

I do not mean in anything that I say today to decry anyone's commitment to security or liberties, or to be soft on terror. This is not some macho or self-righteous exercise. Equally, however, I do not want the Bill to become a victim of mission creep, as has happened in other contexts recently. Two or three years ago, for instance, we passed legislation relating to the Regulation of Investigatory Powers Act 2000 which, in my view, is potentially going down that road.

That is why I want to concentrate on new clause 20. It is because we prize liberty so much that the nature and scale of the threat, and the triggers to it, are so important. They are important not merely to the making of a case to convince us here today or the House of Lords tomorrow, but because they must convince, and appear appropriate to, the broader communities in the country—not just ethnic communities, but others—who must be kept on board in any democracy and in any legislation that we pass. Public scepticism about politics and politicians will always be prevalent, and is arguably more prevalent now than for many years. That is why we need to go the extra mile to convince people, and to spell out why the Government want this reserve power.

Ideally, I should like to hear more details from Ministers about the links between what might happen here in the United Kingdom and what might happen overseas. There has been some reference to that this afternoon, but I want to hear more. As for the broader issue of the sort of incident that would cause the reserve power to kick in, the Home Secretary has given a number of further details, both in response to an interesting and useful intervention from the hon. Member for Castle Point (Bob Spink) and in the letter to the Joint Committee on Human Rights.

Let me return to one of the central questions that have danced around today's debate: the question of whether we as parliamentarians would have a role, or a right to take a view, were the reserve power to kick in. I heard what was said by my hon. Friend the Member for Hendon (Mr. Dismore); I have also spent some time trying to follow the twists and turns of the various reports from the Joint Committee and the most recent letter that he has received from the Home Secretary. I agree with him that our discussion has featured many red herrings, many misleading comparisons between inappropriate jurisdictions, and the bandying of many not very robust and, frankly, intellectually dishonest arguments by Members on both sides of the debate. However, I must say, with all respect to my hon. Friend and his Committee's report, that just as I do not want the Bill to lead to mission creep, I do not want to see it result in judicial creep. One of the issues that we must address this afternoon is the oxygen of publicity, and how it will affect any reserve powers given to the House.

I am not a lawyer, but I am an historian, and I know something—although perhaps not as much as I should—about the doctrine of the separation of powers. I am rather mystified by the blithe assumption made by several hon. Members that we have a great doctrine of the separation of powers in this country. We certainly do not have it as it exists in the US.

There is an enormous inconsistency in this matter, especially among some Opposition Members. They often complain that Parliament does not have a strong enough role in legislation, but when we are given a stronger role, they seem unwilling to take it up. It is not a question of excluding judges and lawyers—indeed, we have been given chapter and verse today about how they will have a role in the process—but I do not believe that they should be in the driving seat on this issue.

Mr. Grieve: As a Conservative, I do not subscribe to the separation of powers, but I do subscribe to the independence of the judiciary and to the need for a fair trial process. The problem is that that process could be hampered by our debates in this House, and I have heard nothing from the Government that provides any reassurance about that. I do not see how we can carry out the scrutiny that the Government are offering so temptingly without interfering with the fairness of the trial process that occurs thereafter.

Mr. Marsden: I thank the hon. and learned Gentleman for that intervention. I have great respect for the fairness and balance that he exhibits in these matters, and I am glad that he does not necessarily subscribe to the separation of powers. However, I fear that he is not doing justice to what Ministers propose, or to the House's ingenuity, when it comes to dealing with matters in a way that will not prejudice future legal proceedings. I believe that we will be able to discuss such matters and show our constituents—at what I presume will be a moment of significant and supreme national crisis—that we are taking the issues presented to us seriously.

Mark Durkan: The hon. Gentleman says that he believes that hon. Members would be ingenious enough to handle the scrutiny requirements placed on us, but what do we do when constituents come to us for help with family members detained under the proposed powers? If we are asked to use the scrutiny procedure to challenge decisions and to speak up for members of our communities, what should we say—to our constituents, our colleagues in this Chamber and to the Government? How can we make the parliamentary scrutiny meaningful?

Mr. Marsden: I thank my hon. Friend for that intervention, not least because he has enormous experience of these matters in Northern Ireland. I hesitate to take issue with him, but I will, because I believe that Members of Parliament have a dual role. Of course we must speak up for our constituents and respect the principle of sub judice when we make representations on their behalf, but we also have a duty to represent what we believe to be their views and concerns at times of national crisis. Each Member of Parliament has the ability to do that, and we must exercise our power in that respect when such matters come before the House.

Mr. Marshall-Andrews: Will my hon. Friend give way?

Mr. Marsden: No, I am sorry. I will not take any more interventions, as I am mindful that other people want to speak.

As has been said already, we have to balance civil liberties and security. That is a common theme on both sides of the House, and I do not want to have to tell my Blackpool constituents that we have outsourced all our deliberations on important matters to the lawyers, good though the lawyers may be. I believe that the Government have offered considerable movement on these issues,

and that both the safeguards that they have put in place and the reserve powers are significant. I remind the House of the Roman adage that the safety of the people is the supreme law. That law must always weigh heavily in the balance when we discuss changes in civil liberties and in procedure.

Although I would still like to hear more from Ministers on some aspects of the trigger, I believe, after consideration, that the Government have got the balance right, which is why I propose to support them this evening.

Sir Menzies Campbell (North-East Fife) (LD): I regret to say that I do not share the conclusion drawn by the hon. Member for Blackpool, South (Mr. Marsden). I shall vote against the Government—not because I am soft on terror or because I fail to recognise the seriousness of the threat, but because I believe that the Government's proposals are profoundly mistaken, and that they are wrong in both principle and practice.

Much of what I might have said has already been eloquently expressed by my hon. Friend the Member for Eastleigh (Chris Huhne), and the right hon. Member for Haltemprice and Howden (David Davis). In approaching this matter, we all have a responsibility to show independent judgment, and we must exercise that judgment in striking a balance between the competing interests of security and individual freedom. If I have a criticism of the debate so far, it is that the second of these interests has formed a smaller part of our proceedings than I would have wished.

When I look across at the Labour Benches, I am reminded that for a long-time Labour Members voted against the renewal of prevention of terrorism legislation so far as it applied to Northern Ireland. In 1987, after I was elected, I participated in the votes on that. In those days, Labour voted against, but then, lo, there came out of the north-east a new young shadow Home Secretary from the constituency of Sedgefield, and he persuaded his party that instead of voting against, abstention would be sufficient. My point is that Labour Members did all that through exercising their independent judgment, and we too must exercise that when the matter under discussion goes to the vote. My objection to the Government position has been echoed by many Members in our debate: they have simply failed to prove the case at this time for the extension of the period of detention that they seek.

I do not rely on the judgments of others. That is a kind of political card game: "You play your Lord Stevens, and I'll play my Lord Falconer, and what did Lord Goldsmith have to say about this?"—or Lord Carlile, for that matter. Such judgments may be persuasive, but they are by no means determinative of the positions we must take.

I would have had more respect for the Government if they had been willing to put their case simply, frankly and bluntly. I am not against consultation, but the scurrying around of the last few days and weeks has been demeaning to the Government, and also to Parliament. Compensation for miners is, no doubt, an extremely important issue, as is raising the economic blockade of Cuba, but what the devil have they got to do with the prevention of terrorism in the United Kingdom? Also, from where have come the allegations of Danegeld for the Democratic Unionist party? I hope that none of these stories is true; I hope that they are all the product of fevered imaginations. However, if they are part of what is necessary for the Government to have their legislation, I suspect that they are not a price worth paying.

I will vote against the Government because any time any Government seek to diminish the freedoms that are the cornerstone of our system, it is our duty collectively and individually to hold that Government to account and to subject them to the most rigorous scrutiny. That duty transcends all our other responsibilities; it is our primary duty. It is the constitutional reason why we are sent to this place, and, if I may be excused sounding somewhat flippant, I should say that it has nothing to do with the communications allowance, nothing to do with how many prepaid envelopes we use, and nothing to do with seeking to be regarded as the constituency MP of the year. Our job is to hold the Government to account and to scrutinise them as rigorously as we can. When what they are seeking to do interferes with the liberty of the citizen, that duty is even more important than it normally is.

4.30 pm

That duty transcends the credibility, and even the survival, of the Prime Minister. This debate and the vote that we will have in due course should not be about whether he is strengthened or weakened, because the issue is whether the rights of our citizens are strengthened or weakened by what we do in this place. I shall vote against the Government, because I think that the so-called concessions are—to use less elegant language than the Joint Committee on Human Rights did—political boiler plate.

The concessions leave far too much to the discretion of the Home Secretary, they are—as the hon. and learned Member for Beaconsfield (Mr. Grieve) has pointed out in several telling interventions—complicated to the point of incomprehensibility and ambiguity, and they blur the distinction between the responsibility of Parliament and the administration of justice. If we make a judgment that it is necessary to introduce the reserve power, and if that judgment is based on the circumstances surrounding an individual case, we inevitably become engaged in the administration of justice. The inferences that may be drawn from either a willingness or an unwillingness to accept the Government's case could be substantial in the subsequent disposal of the case against that person. I have searched my memory, and searched elsewhere, but I can think of no other instance when the House of the Commons has been called on to pass legislation based on individual circumstances after criminal proceedings have been commenced against an individual. If that is not a novel constitutional doctrine, I do not know what is.

Mr. Redwood: Would the right hon. and learned Gentleman not also concede that it is a cruel irony that we who are fighting terrorism in order to preserve democracy and liberty, then surrender those things in the name of fighting it?

Sir Menzies Campbell: Of course, and that point has been made by some of those who have been cited in the debate as having experience, and as therefore being people to whom we should pay attention. If we want to defeat the terrorists, we have to defeat not only their wish to blow up buildings, but their wish to damage and undermine the very freedoms upon which our system is based.

Mr. Paul Goodman: On the subject of Parliament considering individual cases, is it not inevitable that Members of this House will either be given so much information as to prejudice any trial, or so little as to make any responsible decision making impossible?

Sir Menzies Campbell: The hon. Gentleman is absolutely right; indeed, the Home Secretary gave the game away earlier today when she said, "Trust me." Of course one starts with a presumption in favour of trusting the Home Secretary, but such trust has not always been justified in every Home Secretary who has occupied that Front-Bench post since I first entered this House, and it is not likely to be justified on every future case. Parliament can exercise an informed judgment only if the information is put before it. If the information is put before Parliament in sufficient quantity, and it is of sufficient quality to enable it to exercise that judgment, that raises precisely the point that the hon. Gentleman makes: that the prejudice to the individual may be overwhelming.

Once freedoms of the kind that we are debating are removed or even diminished, they are not easily recovered. We should never imagine that what we now take for granted was handed out by benevolent monarchs or by altruistic Governments. They were won. Sometimes they had to be seized physically, and sometimes they could be seized by political or other methods. But they had to be acquired, because the natural acquisitiveness of the Executive means that they take power to themselves as often as they can. If we give the power back, how difficult will it be to restore the freedoms and the personal liberty that we regard as so important?

It is not right to legislate on the basis of what might be. It is much less right to legislate on the basis of what might be when that involves an attack on freedom and liberty. The reason why I was a little disparaging about Stevens, Falconer, Goldsmith and Carlile was that we should not be moved by the opinions of others. On an issue of this kind, we should be moved by our own judgment, and that is why I will vote against the Government.

Ms Abbott: As has been said throughout this debate, the first duty of Parliament is the safety of the realm. It is because I believe that the proposals on 42-day detention will make us less safe, not more safe, that I oppose them. I do not take terrorism lightly. I am a Londoner and I heard the last major IRA bomb, at Canary Wharf, from my kitchen in east London. Like thousands of Londoners, I waited for the early-morning call that assured me that friends and family on their way to work and school had not been caught up in those bombings. I will not take lectures from Ministers about not taking terrorism seriously.

I do not believe, as Ministers continue to insist, that there is some trade-off between our liberties and the safety of the realm. What makes us free is what makes us safe, and what makes us safe is what will make us free. I ask the House to reflect on how we got here. Two years ago, this House emphatically rejected the proposal for 90-day detention. I do not talk very much about custom and practice in Parliament, but it is custom and practice that when the Government lose a vote on a proposal, they do not bring back a similar proposal in the same Parliament. My hon. Friends in the Whips Office now know why that is so: it is because losing the vote is a clue that the Government do not have the votes. The Government machinery has devoted 10 days to bone-crunching pressure on potential rebels, again because they do not have the votes. Ministers have appeared in the media saying that they have won the argument. They may win the vote, but they have emphatically not won the argument.

Two years ago, the House rejected the 90-day proposal. The issue should never have come back, and all this high drama has been caused by bringing back something that the House has already rejected. I voted for 28 days, but I remind the House that I and others did so only under duress. We believed that by voting for 28 days the debate would be finished for this Parliament and an upper limit would be established. Some of us were unwilling to go as far as 28 days. That is why we are so upset that the Government have come back with this proposal, reneging—as far as we are concerned—on a tacit understanding that voting for 28 days would finish the debate on this issue for this Parliament.

Why have the Government come back with this proposal? Speculation has raged on the Labour Benches as to what has moved the Prime Minister to take this dangerous course. Some people say that he wants to try to do something that Tony Blair could not do. Some people say that he is driven by the polls. Some people say that last year he saw an article in *The Sun* that said that he was soft on terrorism and he has been heading down this path ever since.

In reality and despite everything that Ministers say, nothing has changed since two years ago. The arguments that they used then about computers and complications are the arguments that they are using now. I ask Ministers to spare the House those arguments about decrypting computers. The law exists to deal with people who wilfully refuse to decrypt computer evidence.

The Government came back with a proposal that the House rejected two years ago. Interestingly, when they did so, it then took them several months to come up with a time limit. Was it to be 29 days, or 30, or 40? At one point, some of us offered to put our hands in a hat and to draw out a number for the Home Secretary. They did not have a number of days because this is not an objective, evidence-driven Bill. It is the purest politics. It is about the polls and about positioning. It is about putting the Conservative party in the wrong place on terrorism. I put it to colleagues that we should not play ducks and drakes with our civil liberties in order to get a few months' advantage in the opinion polls. We have got here through a process that involved the wrong practical politics and was wrongly motivated.

Let me remind the House of what is problematic about the proposal. The security services have unusually gone public and said that they are not calling for the change. The Director of Public Prosecutions, unusually, has gone public and said that he is not calling for it. I remind the House that he is the prosecuting authority. We will hear from Ministers about the police, but the police are split on the subject. We have heard about Sir Ian Blair—whose days might be numbered under the former Member for Henley; hey, that's life—but the most senior Muslim policeman in the Metropolitan police force, Tarique Ghaffur, has said privately and emphatically that he believes that the risk to community cohesion of the proposal is not worth any marginal

operational advantage. It is alleged—I use that word because I do not want to abuse parliamentary privilege—that he was called in by Sir Ian Blair and asked to consider his position. The police are split on this subject. Let us hear no more about the police as a whole being behind the proposal.

Frank Cook: Will my hon. Friend take account of the fact that even those chief police officers who have expressed some kind of support have done so in terms of "it could be workable" rather than "it is desirable"? Everything could be workable—Buchenwald and Dachau were workable, but they were hardly desirable.

Ms Abbott: Yes, it was said that the proposals could be workable in the future.

There are some very clever lawyers in the Chamber today, and it seems to me that much of the debate is locked into the legalities and technicalities. I come at the matter from a slightly different angle. It seems to me that, if someone is in detention for six weeks without knowing why, and they therefore have no notion of whether they will be able to get out without being charged, that detention is coercive in itself. We saw in the big miscarriage of justice cases what people will sign after only a few weeks.

The possibility of compensation which my right hon. Friend the Member for Leicester, East (Keith Vaz) is trying to float will put pressure on the police to charge. Some of my colleagues whom one might expect to be opposed to the change because of its effect on their communities have been seduced by the compensation package, but I have read the letter. It talks about going away and considering the subject, and says that the compensation might be implemented. How will it be sustainable to compensate Muslims for being held for more than 28 days when the police have held them completely lawfully and not to compensate others of whatever religion or ethnicity who have been held for seven, eight or nine days and have not been charged? The compensation package will not survive scrutiny by the courts.

If my hon. Friends want to vote with the Government because they want to be loyal to the Prime Minister in his time of trial, they should do so. No one will think less of them for that. But they should not vote with the Government on the basis of a shoddy compensation package that will not stand up and will never come into being.

4.45 pm

The proposal is problematic. Some colleagues say that the provision will never be used and some say it is unworkable, so why not vote for it? They say that it is just a joke and will never be used, but even if the Government never use the provision, I take exception to their saying that it is worth driving a coach and horses through our civil liberties for mere short-term political advantage.

As I said earlier, because the Government do not have the votes, they have spent the past 10 days putting good, conscientious colleagues—who naturally enough want to support the leader of their party, our Prime Minister—under incredible pressure. People whom the Prime Minister has never spoken to in his life have been ushered into his presence twice in 48 hours. The House should have a shred of sympathy for them. People have been offered Cuba, and no doubt governorships of Bermuda have been bandied about. Any rebel Back Bencher with a cause is confident—if they vote the right way of course—that the Prime Minister will make the statement, give the money or make the special visit. That is humorous, but is it right that our civil liberties should be traded in such a bazaar? Is it appropriate or right that we should trade votes at the United Nations on the basis of such political pandering?

The reason the Government have had to put such pressure on people is because they cannot muster the votes. They have only one argument that could sway me, as a member of the Labour party for more than 30 years: the leader of our party is in a difficult situation, there are elements in the party that do not necessarily wish him the very best, so is this the time to vote against the Government?

That argument could affect people who are loyal to the Prime Minister, do not want to see him go and do not believe that a new leader can wave a magic wand, but I tell the House this: I became active in politics in the 1980s, at a time of enormous turmoil—there were riots in Brixton, Liverpool and Bristol, "Scrap sus" was a huge issue and young black men were seen as the enemy within, just as young Muslim men are today. I came into politics because of my concern about the relationship of the state to communities that are marginalised and suspected. It is easy to stand up for the civil liberties of our friends or of people in our trade union, but it is not easy to stand up for the civil liberties of people who are unpopular, suspected and look suspicious—people the tabloids print a horror story about every day. However, it is a test of Parliament that we are willing to stand up for the civil liberties of the marginalised, the suspect and the unpopular.

I came into politics about those issues, and I believe that if there is any content at all in Ministers' constant speeches about community cohesion, we must offer every part of our community not just the appearance but the reality of justice and equality before the law. Everybody knows that the provisions will impact disproportionately on the Muslim and ethnic minority communities. Everybody knows that we shall not be detaining the Saudi paymasters of terror for 42 days; just as happened under internment, we shall be scraping up the flotsam and jetsam of communities. Ministers are talking about people such as my constituents, so when Muslim boys and black converts are in prison and their mothers, some of whom may not even be able to speak English properly, come to me and say, "They have had my son for five weeks and nobody will tell me why", what do Ministers suggest I tell them about a measure that has been brought in only for short-term political convenience?

I did not come into politics to vote for such a stratagem, and despite all the current pressures on the party I will not vote for it. The case has not been made up until now and it has not been made in this debate. Of course the public are in favour of the proposal. Of course the people whose rights some of us are trying to defend are unpopular and suspect. But if we as a Parliament cannot stand up on this issue, and if people from our different ethnic communities cannot come here and genuinely reflect their fears and concerns, what is Parliament for?

David T.C. Davies: I have the near impossible task of following one of the finest speeches I have heard since being elected to the House of Commons. The hon. Member for Hackney, North and Stoke Newington (Ms Abbott) need not fret: we will not be on the same side on many issues, although we are on this one. In the Home Affairs Committee and in the Public Bill Committee, I approached the subject with a very open mind. I have not been shy about expressing my view in the House that we need more people locked up in prisons; I have even argued with my Front-Bench colleagues on the subject. We need prisoners to serve longer sentences, and we need a lot more prisons to be built to house them all. I add one important caveat: people should not be locked up in prisons or police cells unless they have been charged and convicted of an offence. That is absolutely fundamental to the liberties of people in this country.

When the Home Affairs Committee took evidence, and in the Public Bill Committee, it became obvious that the Government have not properly thought out their case. They were setting all sorts of constitutional precedents that some people have not considered. For example, I think it important that if a public servant, whether they be a police officer or in the security services, believes that a certain measure will be required, it should be up to them to make a case to a Minister, and up to the Minister to make the case to colleagues on both sides of the House. Too many times in the Select Committee and the Public Bill Committee we saw that the Government were not prepared to make the case for themselves; they expected public servants to come to the House of Commons and make the case for them. That is absolutely unacceptable. If the Government cannot make the case themselves, there is no case to consider.

We have seen the selective way in which the Government have used the evidence that was put before them, and their selective quoting of the Home Affairs Committee report on the 42-day limit. There was not unanimous support for an extension beyond 42 days. The Conservative and Liberal Democrat Members on the Committee did not support it. Essentially, we said that if there was to be an extension beyond 42 days, there would, of course, have to be safeguards. We went along with that, rather unwillingly, so that there could be some form of consensus, and so that we did not have to divide the whole Committee on the issue. We said that although it would have to be amended, the Civil Contingencies Act 2004 could be used in some form instead of the so-called safeguards that the Government came up with, to which I shall turn in a minute.

I was not in Parliament when the decision was taken to invade Iraq. I suspect that I would probably have gone along with the consensus, had I been there, because I have always thought that those bright people in all parties in Parliament must know more than me, even though my gut instinct told me that the invasion was wrong. I even trusted Tony Blair when he said, "Trust in me." I have learned the hard way that we should never trust Ministers or assume that people in positions of power are any better than us.

I did not appreciate the way in which the evidence that the Home Affairs Committee heard was twisted and turned by Ministers. On one of the first times that the Director of Public Prosecutions gave evidence to the Committee, he made it absolutely clear that he was against an extension beyond 42 days, yet his words were twisted and turned. We met the director general of MI5, and I met a senior member of one of the security services. They spoke to us in confidence, but now that a statement on pre-charge detention has been published on MI5's website, it is fair to say that we knew months ago that MI5 was not calling for the measure, yet we had to listen while Ministers gave a different impression. We have heard lots of quotes from Sir Ian Blair, and that is reasonable enough, but we did not hear about all the other senior police officers, such as Sir Paul Condon, who did not believe that any extension was justified. Throughout the process, the Government have quoted selectively.

The fact is that the issue comes down to something very simple: if the police have enough evidence to arrest somebody, they must have something tangible to go on. I can say that as a serving police officer. A police officer cannot simply go around arresting people without any evidence that they have done something wrong, and rightly so. Of course, it might take a little while to get together enough evidence for a charge. I am sure that in the past there was a temptation to get as much evidence as one possibly could, so that the strongest possible charge could be bought, but in some ways, the case for doing that has been removed, because we are to implement post-charge questioning—a measure that all my colleagues and I fully supported. That part of the Government's case no longer arises. As Sir Ken Macdonald said to us, if within 28 days enough evidence cannot be found to bring some charge against someone, any prosecution is likely to be very unsafe.

Many colleagues have spoken about the Civil Contingencies Act and the fact that we would have the longest detention in the western world. I shall not add to that, as I want to allow others an opportunity to speak.

One would have to be sentenced to more than three months in prison to serve 42 days, because of early release, release on tagging and all the other Government initiatives to turf genuine criminals out of prison. Somebody who has been held for 42 days or longer without charge would have done the equivalent of a prison sentence of more than three months. What is the latest proposal that the Government have come up with today to try to make those people feel better? "Okay, we arrested you at 5 o'clock in the morning, quite possibly at gunpoint, took you off, kept you there for 42 days, didn't even tell you why we had you in there, but here's some money. Don't worry about it. You were innocent, but have some money"—as if that will make anything better.

I challenge the Minister. If he is serious about the Government's proposal, perhaps he will say a word about Lotfi Raissi. He was the trainee pilot who was held in detention in Belmarsh for about five months, and was released in 2002, his career in ruins. He has been fighting ever since for compensation. If the Government are serious about compensating people and they have a compensation package, perhaps the Minister will tell us what he will do for that gentleman, who was held for five months without any charges being brought against him.

The Government have relied on emotion to try to get their case across today. They have not relied on facts. I am glad to be able to distinguish myself from rebels on

the Government Benches by saying that if they wanted to do something about terrorism, they have had plenty of opportunity. They could, as my hon. Friend the Member for Shipley (Philip Davies) said, have done away with the Human Rights Act, which has given so much succour to terrorists. It has allowed people who we know have been involved in terrorism to come into this country. The Government have then found that they are prevented from deporting them, prevented from putting them in prison until they go back, and prevented even from keeping them in their own homes while tagged – all because of the Human Rights Act.

The Government tried to blame the judiciary, yet they brought in the Human Rights Act, which allowed the judiciary to do that. They could get rid of the Human Rights Act in a matter of weeks, if they wanted to. They could insist that people who come to this country learn our language and start to integrate, instead of allowing them to set up their own communities and maintain practices that are unacceptable in this country, such as forced marriage, polygamy and female genital mutilation, to which a blind eye is being turned by the Government. They should insist on integration, getting people to learn our language and getting them to fit in with our culture and traditions, rather than passing legislation that will do away with the liberties that British subjects and citizens have enjoyed for hundreds of years.

Just as King John had to be brought to book by the barons and the lords when they brought in the Magna Carta in 1215, if we lose the vote tonight, I hope that, once again, the Lords will come to our rescue – the rescue of the liberties of British people.

Martin Salter: It is a pleasure, I think, to follow the hon. Member for Monmouth (David T.C. Davies), whose constituency I look forward to visiting. We will be able to explore his predilection for Taser guns in every home, as part of the Home Affairs Committee inquiry into 21st century policing. On a more serious note, I shall be quick and curtail my remarks, as a number of colleagues on both sides of the argument wish to make important contributions.

I speak as a member of the Home Affairs Committee and a member of the Public Bill Committee, so I have had a good go at the issue. I also speak as the constituency Member for Reading, West, a diverse constituency with a substantial and active Muslim population, a constituency that contained one of the people who were blown to smithereens in the 7/7 London bombings, and a constituency on which the extensive and successful Operation Overt by the Metropolitan police impacted.

Why legislate now? That is one of the crucial questions that has rightly come up in the debate. There are three issues. The Prime Minister mentioned at Prime Minister's questions today that we have a moment of calm. We can trade quotes in the debate, but we can all probably agree that when the House seeks to legislate in a hurry, it makes a pig's ear of it, whether that is legislation about the poll tax, the Child Support Agency, or dangerous dogs. Whatever it is, when we try to legislate in a hurry, particularly in the face of a tabloid outcry over bodies being pulled out of the latest terrorist outrage, we tend not to make the right decisions.

5 pm

Why legislate now? We must be up front about the fact that this is a precautionary measure. As the Chairman of the Home Affairs Committee said, all of us on the Committee, of all parties, accepted that there was no evidence that the police and the security services were not coping adequately at this time with 28 days' pre-charge detention. We were clear about that. The question is whether we wait until they are not coping adequately with it to legislate, or legislate on a precautionary principle and in an atmosphere of calm.

Philip Davies *rose*

Martin Salter: I am not taking interventions. Other hon. Members want to speak and the hon. Gentleman has only just come into the Chamber.

It is, by definition, a little too late if we wait until the point at which the police and security services are not coping with the period of pre-charge detention. It is a little too late if we end up letting somebody out of custody who is then responsible for an outrage against the people whom we represent.

In considering my attitude to the issue and how I would vote, I have a simple starting point. The first duty of any Government is the defence of their people. Yes, it is the defence of the liberties of the people, but it is also the defence of the rights of potential victims. We need to consider three issues. One is the complexity of current terrorist networks, the second is the level of risk to the UK and the third is whether what is being proposed is likely to help in any way, shape or form.

Tom Brake (Carshalton and Wallington) (LD) *rose*

Martin Salter: The hon. Gentleman is a member of the Home Affairs Committee, so I will give way.

Tom Brake: Does the hon. Gentleman agree that complexity, in terms of dealing with data discs and foreign languages, can often be addressed by additional resources?

Martin Salter: I regret taking that intervention. The Government have doubled resources for the security services and a record amount of resources are going into counter-terrorism work. However, the hon. Gentleman brings me to my point on the complexity of the challenge facing SO15, the Metropolitan police counter-terrorism unit. He himself as a member of the Committee, if he has read his papers, will have seen the SO15 statistics.

In 2004, some 19,000 exhibits were retrieved and registered in terrorist investigations. They rose to 51,000 in 2005 and to 68,000 in 2006. Statements, messages and documents created rose from 33,000 to 62,000 to 83,000 to 91,000 last year. Action and lines of inquiries created rose from 16,000 to 28,000 to 40,000 to 42,000. Total records for legal consideration and disclosure rose from 69,000 right up to 197,000 in 2007. There is absolutely no doubt that terrorist networks have become more sophisticated and adept at using information technology and the latest techniques available, first to avoid surveillance, secondly to communicate with each other and thirdly to commit atrocities. We have to be cognisant of that fact. It is a matter of public record that in 1997 the UK security services seized just 19 mobile phones, one computer

[Martin Salter]

and seven computer discs in their terrorist investigations. Ten years later those figures had risen to 16,000 mobile phones, 353 computers and 2,541 computer discs. Yes, we can increase resources; no, we should not deny the fact that terrorist technology is on the march.

The Home Affairs Committee has been party to private briefings from the security services. We know that there have been a substantial number of plots. We know that about 200 groups and 2,000 individuals give the security services cause for concern. Those numbers are going up, not down. I find it ironic that the shadow Home Secretary is happy to praise the professionalism of the police and the security services in foiling those plots, and we join across the Floor of the House in praising them for that, but when it comes to questioning their professional judgment, somehow we are not so keen to praise their professionalism and to take their advice. That led the Home Affairs Committee, in two separate reports, to a series of conclusions. In June 2006, before I and the hon. Gentleman who just intervened joined the Committee, it, under the excellent chairmanship—it is excellently chaired now—of my right hon. Friend the Member for Southampton, Itchen (Mr. Denham), now the Secretary of State for Innovation, Universities and Skills, came to the following conclusion. Looking at the Government's case for 90-day detention, which was not particularly strong in my view, the Committee concluded:

"None of the evidence we have reviewed of current and recent investigations would have justified a maximum detention period longer than 28 days."

The Committee went on to conclude, however:

"We believe…that the 28 day limit may well prove inadequate in future."

That was in June 2006. It was the starting point for the extensive Home Affairs Committee inquiry that has just concluded.

Both Front-Bench teams have, in exchanges across the Dispatch Box, referred to the acceptance of a case for exceptional circumstances. I am not praying in aid the motives of my Conservative colleagues on the Committee; I do not believe for one moment that they saw their names being attached to that recommendation as praying in aid a case for extension to 42 days. I am very happy to put that on the record, but the Committee accepted that there was a case for exceptional circumstances, as did Liberty and, I have to say, the Conservative Front-Bench team when it suggested that amending the Civil Contingencies Act 2004 could deal with exceptional circumstances.

Let us read into the public record what was agreed by all parties:

"If, in these exceptional circumstances, a temporary extension of the pre-charge detention period is deemed essential to secure successful prosecutions of terrorist suspects, the Government should consider building support for proposals that effectively reform the powers of the CCA, secure Parliamentary scrutiny and judicial oversight, but stop short of the requirement to declare a full-scale state of emergency."

One reason the Committee rejected the use of the 2004 Act was that it would be, frankly, ludicrous—this was the advice that we got from the police—for us to endorse an approach that declared a full-scale state of emergency in order to give the security services the powers that they might need to apprehend people who were the cause of that full-scale emergency.

We were right to reject the CCA and we were right to listen to people such as Peter Clarke. I shall quote people who have supported my argument and people who have contradicted it. Peter Clarke, the former national co-ordinator of terrorist investigations, said on 3 June that

"critics claim that the proposal is a draconian extension of police powers. It is not. Detention would be a judicial discretion, to be exercised following an adversarial hearing with both sides legally represented. This would be no rubber stamp."

Justifying the point about a precautionary principle, he went on to say that

"we should legislate now, and not in panic in an emergency."

Sir Ken Macdonald has been oft-quoted in the debate. He was very honest: he made it clear that he did not see the case for going beyond 28 days at this point. But he said that the proposed legislation

"would be compatible with the European convention on human rights and I think that it would be Strasbourg-compliant."

That is significant. He indicated a willingness to use the legislation because, he said, it was his job not to see the Bill into law but to use the tools available to him. He said:

"I am quite satisfied that this provision would be lawful. As I have said, if it was in law, we would use it if we ever found it necessary to do so."—*[Official Report, Counter-Terrorism Public Bill Committee,* 22 April 2008; c. 57, Q149.]

David T.C. Davies: Did Sir Ken not also say that he thought that it would be very hard indeed for the CPS to bring any prosecution against somebody who had been held for between 28 and 42 days but not been charged with anything until the 41st day?

Martin Salter: He certainly made it clear to the Committee that he would expect an adequate and strong case to be established by 24 to 28 days.

The last person I wish to pray in aid is the Chief Constable of the Police Service of Northern Ireland, Hugh Orde. Hon. Members should bear his comments in mind, because we have considerable experience in tackling terrorism in Northern Ireland. Only a couple of days ago, he said:

"Sadly the day will come when the number 28 is important as it will not be high enough. It may not be today or tomorrow but we have to plan for it. The overwhelming majority of cases to date fall well under the current limit. But come the day when we face such an assault, we must have the right powers available. Powers that have been debated and thought through right now, and not after an outrage. For that will be too late."

It will be too late, because we in this House are not good at legislating in a panic.

Mark Durkan: Does the hon. Gentleman believe that we should also listen to Hugh Orde when he says that the Government should be talking to al-Qaeda?

Martin Salter: I am happy to be selective in the quotes from Hugh Orde that I use for the purposes of my argument.

Safeguards are built into the Bill. Hon. Members have criticised the Home Secretary's proposal as having been watered down or made unworkable; I am not sure which way they are seeking to cut that argument. It is a

precautionary proposal for temporary powers. It is dependent on the Director of Public Prosecutions, himself a sceptic, coming forward, together with the relevant chief constable, with a certificate to say that there is a need for those powers in the first place. We are now to get a vote after seven days. What meaningful debate could we have after seven days? During my time here, we debated the Prevention of Terrorism Acts in this House for a number of years. When we were deciding whether to extend the exceptional powers in the PTA, we did not discuss individual republican or loyalist terrorist atrocities—we discussed the state of the security situation and whether the state required those powers in order to keep people safe: After the Glasgow and Haymarket bombings, we had a perfectly good debate in this House on a statement by the Home Secretary. We had people arrested; we did not fall foul of the sub judice rules; and we were intelligent enough to have a debate without compromising the subsequent criminal prosecutions. That is exactly the debate that we would have in this regard.

Let me end with two points. First, it is true that the current proposal could have an impact on community relations, but I have been around my multicultural community for long enough to know that the greatest and most detrimental impact on community relations occurs if a bomber gets through—that is when the damage is done. Secondly, if the police and the expert witnesses that we have heard before the Home Affairs Committee are right, a bomber may get through at some point in the future. I do not want hon. Members' fingerprints on a vote that might mean that at some point in the future we release out on to the streets someone who will go on to do us and our communities harm.

Mr. Baron: I will not follow the normal custom and say that it was a pleasure to listen to the speech by the hon. Member for Reading, West (Martin Salter), because there were so many things fundamentally wrong with it that it is not worthy of comment.

I would like to touch briefly on two or three aspects of the Bill that deserve our further attention. My greatest fear is that if we pass the measure on 42 days, we are in effect doing the terrorists' job for them. Let us be clear about this. We all accept that terrorism is a threat to this country and to our liberties—that cannot be disputed. However, this proposal assaults our hard-won civil liberties and the common law of this land. We have already heard many excellent arguments against it. The lack of evidence is one such argument. It is telling that the Government cannot produce one piece of concrete evidence to substantiate their claim that 42 days are required. The intelligence services took the unprecedented step of making a statement saying that they had not called for an extension to 42 days. The Director of Public Prosecutions has already said that he cannot support it either. There is no evidence whatever in support of the proposal.

5.15 pm

We have also heard how the introduction of 42 days' detention could be counter-productive. I intervened on my right hon. Friend the Member for Haltemprice and Howden (David Davis) on the question of internment because I served in Northern Ireland during the 1980s, when that practice had come to an end, but when we were still picking up the pieces from that disastrous policy. I want to impress on the House just what a disastrous policy it was. It was completely counter-productive. It turned whole communities against us, and the recruitment of terrorists was made so much easier when people in those communities had suffered because of the policy of internment. I know that there are differences between the two circumstances, but the differences are not so great that parallels cannot be drawn for the purposes of today's debate. The bottom line is that people were taken off the streets, put away and not charged because it was thought that they might be a threat. That created a great deal of resentment, which in the end, caused even more bloodshed and loss of life. I ask the House to think very carefully before we go down that road. If we want to engage communities, and to counter terrorism and the threat of terrorism, taking someone off the streets and putting them away for 42 days without charging them is not the way to do it.

Mr. Paul Goodman: If my hon. Friend reads the Government's new clause 20—one of the apparent concessions—he will see that the new power that they seek could be applied abroad. It does not apply merely to the United Kingdom, but to threats of terrorism to property abroad. That does not sound much like grave and exceptional circumstances to me.

Mr. Baron: My hon. Friend makes a valid point. The provision is far-reaching in its consequences and we have to take that point on board.

We have heard about international comparisons, but, as ever, the Government have failed to address the fundamental point that other common law countries across the globe do not need more then one week for pre-charge detention. Why do we need six in this country? Why are our police forces so incompetent—that is the only conclusion one can draw from the Government's measures—that they need six times longer than most other police forces in other common law countries? Again, no case has been made by the Government. Their argument against Liberty's figures is even weaker when one considers that the Government have admitted, at the Dispatch Box and in written parliamentary answers, that they have not undertaken a similar comparison. They have done no research of real worth on the matter. The force of their argument that such comparisons are not valid does not stand up to the test of scrutiny.

Another of my concerns is the suppressed premise in the background to the debate that, deep down, many people are afraid that a suspect released too soon might use their freedom to commit an atrocity. Supposedly, 42 days' detention is needed to prevent another 7/7. But that argument is completely misguided. The purpose of the 42-day proposal is to prolong an investigation after a plot has been discovered or is suspected. It is not to prevent it. The police, the authorities and the security services already have enough powers to deal with an imminent terrorist strike. They do not need those powers; prevention is not the purpose of the 42 days. For one thing, the police could charge a suspect with acts preparatory to terrorism. Meanwhile, surveillance and intelligence gathering could and would continue if a suspect was released back into the community. So let us scotch once and for all the idea that 42 days' detention is needed to prevent another terrorist outrage. That is not its sole function.

[Mr. Baron]

Briefly, I also take exception to the argument that, because the police have come close to the existing limit on a number of occasions, it is incumbent on the House to allow more time for holding suspects without charge. It might be that sufficient information was obtained earlier and that the police were holding a person for the sake of further questioning, given that post-charge questioning is not generally possible. However, simply because time is used does not mean that it is needed.

As for the safeguards, they are weak to the point of being meaningless. Let us take the judicial safeguards first. The hearing before a judge cannot be a meaningful adversarial process. The range of issues that a judge can consider is limited to whether the investigation is proceeding at a reasonable rate and the likelihood of new evidence being brought forward. That is a very low threshold to cross. A judge will not be asked to consider a suspect's likely guilt or innocence in relation to any specific offence, so the individual in question will not have the opportunity to defend himself. Indeed, he might not even be there. The role of the courts is to judge evidence in relation to an offence, not to supervise a police investigation.

As for the parliamentary safeguards, the mechanism proposed is both illogical and inappropriate. It is illogical when triggered in response to an individual case, because the higher pre-charge detention applies to all suspects held under anti-terrorism legislation, even if their case does not justify such an extension. The mechanism is also inappropriate, because it is not the role of Parliament to assess whether an individual should be deprived of their liberty, as has been mentioned on a number of occasions. Hon. Members should not be asked to instigate procedures to try to fulfil that function.

Would we allow, for example, an accused person to come to the Bar of the House and put his side of the story? The last time that occurred was in the 1950s. Are we going to instigate such a procedure again? I do not think so. Would we have secret sessions, to allow the security services or a Minister to present their case freely? That has not happened since the second world war, and I see no proposals on the Table for it to happen again. The proposed safeguard is almost worthless and meaningless.

In truth, no concession or safeguard is likely to be adequate, because to detain someone on the basis of suspicion alone is a fundamental breach of liberty. It is, effectively, to reverse the presumption of innocence in English common law. We have to ask ourselves why it is that we need 42 days. My concern is that, for the reasons set out in what has, overall, been an informed and intelligent debate this afternoon, we risk doing the terrorists' job for them. There is no evidence to suggest that the measure is needed. The international comparisons would suggest that we are making a big mistake if we extend from 28 days. We also risk making the mistake of producing a Bill that would be counter-productive in trying to solicit information from the communities from which we need help.

For all those reasons, I urge the House not to extend to 42 days—to dig in deep and realise that our hard-won civil liberties cannot be traded in on the back of Government misinformation and evidence that is simply not there. I urge the House to give that great thought indeed.

Mark Durkan: Many hon. Members have made the point that a number of the protections offered alongside the extended power of detention do not add up to very much. That is true—they add up to less than the sum of their supposed parts. This chicane of hollow protections brings a new dimension to the notion of chicanery.

In relation to the Secretary of State's power to activate the extended detention provisions and the question of independent legal advice, proposed subsection (1) of new clause 32 would require the Home Secretary to get legal advice only "as to whether" she "can properly be satisfied". It does not provide that she should be properly satisfied, referring only to "whether" she is. The Home Secretary is not obliged to follow that legal advice. Proposed subsection (6) sets out the duty to publish the full legal advice, but subsection (7) completely ousts that duty if the Secretary of State believes that such publication would not be in "the public interest". If the independent legal adviser does not agree to the edited version that the Secretary of State wants, none of the advice has to be published. So much for that protection.

What of this House acting in the role of a grand jury? It will do so in circumstances that will at least be triggered by a specific case, although the effects of the extension will not then be case-specific, as they might affect everyone already detained and anyone subsequently detained within that period. That is what the House will be doing. We could be brought back during a recess—the Bill provides for a recall of Parliament—yet people are saying that we should deal with these matters only in a calm and reasonable atmosphere, not in reaction to the heat of situations. This could even happen during an election campaign. We saw bombs in Madrid during an election campaign and people know about the political fallout there; they know that there were doubts about how the Government handled, played with and interpreted that situation at the time, and the issues ricocheted through the body politic.

We should think about the situation here if we vote for this Bill and the new clauses. We could be creating a situation in a which a terrorist group can deliberately contrive that its plot comes to the proper notice of the police and security services during an election. Hon. Members will be called to this place; some will have seen constituents arrested, and there will be others whose constituents could be affected by the new powers that had been triggered. Their communities will say, "What are you doing for us? We are told that there is significant parliamentary scrutiny and we have been put into the hands of MPs. You stand up and fight for us, and assert our rights." If they do not do that, what will happen? That could happen close to an election or during one—and do we not expect it to ricochet in a dangerous way through the electoral politics of different constituencies?

Different MPs could be caught. An MP in one constituency might say to his constituents, "Sorry, I am a Government MP and I have to go by what the Home Secretary says. I have every sympathy with you, but there is nothing I can do or say." Another MP might say, "Well, I opposed that legislation and I will fight it now that it has been activated." In what position does that leave individual MPs? It leaves them in a completely invidious situation that no legislator, no public representative and no candidate should ever be in. Yet if we allow this Bill to go through, we will be inviting that sort of

dangerous scenario, because the measures provide for the recall of Parliament during an election campaign.

There is another respect in which the protection is hollow. We are told that the courts will be involved, and some hon. Members have assured us that there will be adversarial proceedings in the courts. Yes, there will be adversarial representatives, but there will not be any evidence. What is proposed is pre-charge detention before evidence is presented. The courts have never refused an extension of detention so far; never ever have they done so, and how, essentially, could they?

This chicane of hollow protections adds up to very little. The protections are not only dubious, but dangerous. The thrust of these Government provisions is dangerous. They create a situation that will lead to the exercise of undue powers in unseemly and improperly controlled ways.

On detention for up to 42 days, we have seen in the past how people have confessed to all sorts of things that they did not do even with seven-day detention. We should think of the Guilford Four and then the Maguires, who were brought in on the basis of what members of the Guildford Four had said. They were not even brought in to be questioned originally and they did not confess. What others were forced to say about them led to their being brought in.

5.30 pm

In the case of 42-day detention, will not people not only be in danger of saying all sorts of things about themselves to line themselves up for charging, but be in a position to say all sorts of things about others, in a context where this power will be used in all sorts of other ways? This power will end up, in practice, taking on all sorts of gross and ugly proportions that its supporters underestimate. They seem to think that it will be used in very limited ways, that it has only a limited trigger and that it has only limited application. That is not what the Bill says.

We will see communities being fundamentally alienated from the state. We have had chief constables quoted at us the last couple of days. Let us just think what good community constables will say when this power is activated and a portcullis comes down between them and the communities that they have been working with, building contact and confidence. They will find themselves compromised and ashamed simply because, as police officers, they are arms of the state that has behaved in this gross way, leaving people not only resenting what has happened to some, but fearing what will happen to others.

We have seen how counter-terrorism powers have been counter-productive in the past. That is the experience of Northern Ireland. It is not just internment; it is the litany of counter-terrorism measures that created that culture of alienation, the propaganda weapons and real new and additional victims.

I warn the Government and those who would support them in the madness that is in this Bill: do not feed what you want to fight and do not destroy what this House ought to defend.

Mr. David Heath (Somerton and Frome) (LD): I return to something that was said a long time ago by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd): the Minister for Security, Counter-Terrorism, Crime and Policing did a good job in Committee—I served on it—in trying to bring the various parties together on the vast majority of the Bill.

There is a great deal of consensus in the House on how we fight terrorism. Sometimes when we have this highly charged debate, we forget that. Is there a threat from terrorism? Yes, of course there is. I was on Capitol hill in Washington DC on 9/11. I was in Aldgate on 7/7. I do not need persuading that there is a threat from terrorists. *[Interruption.]* I tell hon. Members on the other side of the House that I understand their concerns.

However, is there a need for further powers to fight terrorism effectively? Yes, there is. We have agreed the things that need to be done—the lower-order offences, the offence of acts preparatory to terrorism, the lowering of the threshold for prosecution, the post-charge questioning that forms part of the Bill and intercept evidence, which the Chilcot review is, I hope, providing is admissible evidence—and the legislation to require the provision of a key to encrypted material ought to be the answer to the question of how we deal with encrypted material within the period required.

Is there an increase in the number of complex cases? I am persuaded that yes, there is. My answer to that is something that was decried earlier: we must provide more resources. I know that more resources have already been applied to the problem, but if there is a need for more interpreters, let us pay for more interpreters, pay for more police officers and have sufficient resources to do the job quickly. However, when I come to the question of whether there is a case for this extension to six weeks' detention without a charge being placed, I do not agree and there is no consensus because it is unjustified, unfair, unworkable and profoundly unhelpful to our fight against terrorism.

I heard the Home Secretary ask earlier, "How would we feel if somebody was released after 28 days and they then committed an offence on the 29th, 30th or 31st day?" I ask how she would feel if, under her proposals, that happened on the 43rd, 44th or 45th day. There will be no limit to this auction of time for detention without charge if that argument is sustained.

I do not want to go into the issues of comparability with other jurisdictions—it is difficult to compare even common law jurisdictions, let alone those that operate on the continental pattern—but it worries me not that we are so far out of kilter with other common law jurisdictions, although we are, but that we are so far out of kilter with our history, our traditions as a country and how we maintain British justice.

I see no justification for what the Home Secretary has presented as a safeguard—the interpolation of Parliament into a judicial process. It is a most extraordinary proposition that this House should be empanelled as a sort of grand jury. Some say that it will not be dealing with the specifics of a case, but it will, because of the way in which the new clauses and amendments are worded. They require evidence to be put before the Secretary of State in relation to the progress of a specific case, and they require her to present it to the House in as far as she can.

The proposition is extraordinary because it defies jurisprudence, constitutionality and any concept of the illusory separation of powers, which we could debate at

[Mr. David Heath]

length. The House would be required to adjudicate on whether the Home Secretary was right in her assertion, but to do so either on the basis of evidence that would render the security services inoperable in the future or, more probably, without that evidence—perhaps on the basis of a dossier, and we all know what happens when the House decides matters on the basis of a dossier. We would thus be doing nothing more than rubber-stamp, or decide whether we liked the sound of the Home Secretary on the day when she presented the evidence to the House.

At one point, the Home Secretary said "Trust me." I am sure we are often happy to trust her, but that is no basis on which to change essential liberties in this country, and essential elements of our criminal justice system. I want us to have consensus on the fight against terrorism, and I think we established a sort of consensus on 28 days, although it was not my choice; I saw it very much as a temporary expedient to avoid the adoption of 90 days. It worries me that all the noddy heads that supported 90 days are the same noddy heads that now support 42 days. There is a strong contention to be made that those noddy heads would support any number put before them by the Home Secretary.

Let me say to the Government that it is not too late, even now, to avoid the defeat that is inevitable—if not here tonight, as I hope, at the other end of the corridor later—and to reach the proper consensus that the country needs in order to fight terrorism effectively.

Frank Cook: I apologise for my late arrival. I did not arrive until after the opening speeches had begun, because I had to deliver a keynote address in Paris to a seminar on Afghanistan run by the Carnegie Endowment for International Peace.

I remind the House that in 2005 I escaped having to make a decision on the 90-day limit because I was Chairman of the Committee considering the Bill in question, and found no cause to exercise my mind strenuously in that direction. I remember distinctly saying to my hon. Friend the Member for Walsall, North (Mr. Winnick) "David, why do you go winnicking on about 28 days?" He thought it rather unkind at the time, but I think he has since found the courage to accept my feeble attempt at humour.

It gives me no joy or satisfaction to oppose this proposal, but it seems crazy to me. When the 42-day limit was first proposed, I thought "We agreed to 28 days when they wanted 90 days. Why, when they want to extend the limit again, do they not ask for 90 days again?" That led me to examine the proposal more carefully, and to understand the logic behind much of the argument that we have heard today.

I do not want to go into the niceties of the legal terminology. That was done brilliantly by my hon. Friend the Member for Hendon (Mr. Dismore). He referred not only to some of the legal mistakes, but to a range of options that have apparently been rejected—which is a great shame, because if we were serious about these proposals, they could have provided us with a solution.

Apart from the standard briefings from the agencies professionally engaged in these considerations, I have received only one representation from a constituent who supports the 42-day proposal. All the other constituents who have got in touch have opposed the measure, but today I received a text on my mobile. I cannot switch it on, Mr. Deputy Speaker, as you well know, but I can reveal the contents of the message. My constituent has asked me not to oppose the Government because of the danger that doing so would pose to the three marginals in Teesside.

Phil Wilson (Sedgefield) (Lab): Will my hon. Friend give way?

Frank Cook: I will give way when I have finished my point, which is not humorous. Marginals should not enter this debate, as we are not here to talk about the political advantages or disadvantages of the proposal. This is a matter of principle.

Phil Wilson: I thank my hon. Friend for giving way. My constituency of Sedgefield is adjacent to his constituency of Stockton, North, and our constituents are very similar to each other. I have undertaken a survey over the past few days, in which I asked about 3,000 of my constituents about the principle involved in this matter. Some 80 per cent. of respondents have told me that they support the Government. Has he done anything similar? How does he know that he is speaking on his constituents' behalf?

Frank Cook: In one way that is a fair question, but it is totally unfair in another way. Any survey is based on a question that can be formulated in all sorts of ways to favour one answer over another. I can tell my hon. Friend that I have not conducted a survey, but I am telling the House about the nature of the e-mails and letters that I have received. There has been only one exception to the trend, and I have reported that as well.

We are talking about the reaction among constituents, and I had better clear up a misunderstanding caused by one of my earlier interventions. I have frequently referred to the reservoir of resentment that will likely be created by the adoption of the proposed measures. Indeed, that reservoir of resentment has been created already, as is shown by the increasing incidence of suspect plots that has been described already. My fear is that extending detention without trial even further will cause that reservoir of resentment to increase in size. The impact will be felt as a result of what we do tonight, not before.

I turn now to some of the pressures that have been brought to bear on me in the past week. The suggestion has come from certain quarters that I have adopted the approach that I have set out because I want to take "revenge" for my "treatment"—both words are precise quotations—since 1997. Anyone who thinks that must have a mind so small as to be barely visible with a microscope.

It has also been suggested that I wish to bring down the Government. However, I have been deselected already, so for me to try to bring the Government down now would mean that I was trying to declare myself redundant two years ahead of time. The pressure that has been applied to me shows the desperation that the Government have been feeling, but I see that the Whips are smiling and so I assume that the pressure that they have exerted in other quarters has been effective.

The Jesuits taught me that there could be no compromise with error. I think what we are considering tonight could become an error. I entered the House 25 years ago this week, and at that time I decided to reject the use of the word "right", because of its connotations with the phrase "right wing". I did not want to be referred to as right wing when I was correct, so I rejected that word in favour of the term "proper". I shall, however, have to break that resolution this evening, because we are talking about rights; we are talking about the right of the individual—of a man or a woman, old or young, black or white—to be innocent until proven guilty. When we make our decision tonight, we must let right be done.

5.45 pm

Mr. Cash: In a nutshell, the problem is as follows. The proposals before us contain a procedure for Parliament to be involved in the process, which is extraordinary, because ultimately, what we are debating is the question of habeas corpus. That is why I tabled new clause 39. I am deeply concerned that although in any particular case a suspect has to be produced before a judge within 48 hours, under the arrangements of the Bill the whole process of habeas corpus will be severely restricted. It may not be a total suspension—great mistakes were made in the 19th century in respect of the coercion Act and the suspension of habeas corpus—but we must ensure that we achieve what my new clause proposes, which is that nothing in this Bill shall prevent or restrict a person detained

"from making an application to a Justice of the High Court"

and that there

"shall be a condition of the detention that the person detained shall be produced forthwith to"

that justice,

"who shall enquire as to—

(a) the circumstances of the detention;

(b) the enquiries that are being made;

(c) the likelihood of the detained person being charged within 42 days"—

if the provision specifying that extended period is passed—

"of any offence of terrorism or related serious indictable offence."

Furthermore, if the justice is not satisfied with the inquiries made,

"that person shall be released forthwith".

I am not deeply concerned about the number of days; I do not think that that is the crucial question. What is fundamental is the relationship between the person being detained and the procedure of habeas corpus in respect of the judge. That key issue has not been properly discussed. We have witnessed what has effectively been a game of political football over this question. It is far too important for that. It is absolutely crucial that we maintain habeas corpus.

I know that other Members wish to speak and that the Home Secretary will need to make some final remarks, so I shall conclude by simply saying that the most important writ available to the English courts is habeas corpus. It has been clearly stated that

"*Habeas corpus* is probably the oldest of the prerogative writs. Authorising its issue in appropriate cases is regarded by all judges as their first duty, because we have all been brought up to believe, and do believe, that the liberty of the citizen under the law is the most fundamental of all freedoms. Consistently with this, an application for a writ of *habeas corpus* has virtually absolute priority over all other court business."

However, it is only available when there is a question of illegal detention, and the arrangements under this Bill will, effectively, restrict the application of habeas corpus.

The most important constitutional authorities have suggested that the Supreme Court Act 1981 should be amended to ensure that habeas corpus is added to the forms of relief, so that it runs at least parallel to the other alternatives. I do not believe that judicial review under the Human Rights Act is the right way to proceed.

Jacqui Smith: The hon. Gentleman makes a very important point, and I undertake to look very carefully at his new clause and to talk further with him about how we can be assured that the principles that he has outlined will be carried forward in our proposals.

Hon. Members have spoken passionately today about the importance of getting the right balance between national security and individual liberty. I applaud the conviction with which hon. Members have expressed their views. Parliament has shown again how it is a most formidable defender not only of our liberties, but of the protections that we need to have in place to ensure that all in Britain can enjoy those liberties. For precisely that reason, the reserve power that we seek in the Bill will be subject throughout to the most searching parliamentary safeguards, in addition to having to meet high legal thresholds.

It is because we understand the value of individual liberty that we believe that the power should be held in reserve, for use only if we need it in exceptional circumstances and only for a temporary period, just as my right hon. Friend the Member for Leicester, East (Keith Vaz), who is not now in his place, has argued. He and other hon. Members have also rightly emphasised the importance of the impact of our actions on communities; we must always be aware of that community impact. In addition to the investment that we announced last week, we will review the impact of our counter-terror legislation on our communities, but we are clear that terrorists target all communities, regardless of faith or race, and that our legislation is designed to protect all communities, regardless of faith or race.

It is not after we pass a piece of legislation in this House that Muslim children get bullied in the playground or that young Muslim men feel unable to travel on the tube without getting suspicious glances. Such situations occur in the wake of events such as 9/11 and 7/7, where not only do the criminal actions of a violent and extreme minority cause death and destruction, but they can cause recriminations, unfairly and wrongly, against those communities. That is what we need to safeguard against, and that is what our provisions are aimed at.

The right hon. Member for Haltemprice and Howden (David Davis) and the hon. Member for Eastleigh (Chris Huhne) have made much today of an allegation that in the case to which reference has been made, where two people were detained for up to 27 or 28 days and then subsequently charged, somehow it would have been possible to charge them before the 27th or 28th day. Others have scandalously referred to

[Jacqui Smith]

that as being "sexed-up" evidence. The claim that there was sufficient evidence to charge suspects after four and 12 days but that the charging decision was somehow delayed is a slur on the Crown Prosecution Service and on those who investigated that case. The CPS must charge a person at the earliest possible point, and that happened in this case. The Director of Public Prosecutions has said:

"When the material is sufficient, and the prosecutor…believes that a charge should be laid, it will be laid. The idea that we have sufficient evidence after 14 days, but…wait until 26 or 27 days to charge is wrong." [*Official Report, Counter-Terrorism Public Bill Committee*, 22 April 2008; c. 55, Q141.]

Of course, nobody can be detained unless the detention is needed for the purposes of gathering evidence, and we have been clear about that in the Bill. The judge would not agree to continued detention unless it was needed and he was satisfied that the investigation was being carried out diligently and expeditiously. So, alongside a scandalous slur on the police officers carrying out that investigation and on the prosecutors who worked day in, day out to bring a charge, there is also a suggestion that the judges themselves made the wrong decision.

Mr. Grieve: My right hon. Friend the Member for Haltemprice and Howden (David Davis) made no slur on the police or the Crown Prosecution Service. He made a statement of a number of facts about when the evidence was available, and I note that the Home Secretary has not challenged those in any way. Those were the only points that he made and he went out of his way to say that he was not suggesting that the overall period of detention was in some way wrong, merely that it was on the fourth and 12th day that the evidence had been available. If the Home Secretary disagrees with that, perhaps she will tell the House that my right hon. Friend is wrong.

Jacqui Smith: The clear implication of what the right hon. Member for Haltemprice and Howden (David Davis) said was that people could have been charged earlier. That is fundamentally wrong, and what is more, he has had personal assurances from senior police officers that that was not the case.

We have also rightly heard concerns about the circumstances in which people would be detained. People have claimed that detainees would not be able to see their families, or that they would not have cooling-off periods. That is wrong. Anybody detained will be told on arrest the grounds for that arrest. Any hearings for extended detention would include specific details of the investigation. Those detained may receive visits from friends, family and others likely to take an interest in their welfare. In any 24-hour period, the detainee must be allowed at least eight hours for rest, free from questioning, thus providing the cooling-off period that the hon. Member for Eastleigh (Chris Huhne) suggested did not exist. Detainees should be offered exercise, and cells must be cleaned, heated and ventilated. To suggest that those things would not happen, as some have done, is also wrong.

A further misconception in this debate—and a disappointment to me—has been the suggestion that there can be no appropriate role for Parliament in this process. I have understandably been challenged about what Parliament will be able to debate in such circumstances. First, contrary to the contention advanced by the hon. and learned Member for Medway (Mr. Marshall-Andrews), the statement made by the Home Secretary to Parliament will need to be clear that a grave and exceptional terrorist threat has occurred or is occurring. New clause 32 makes it clear that legal advice with which the Home Secretary can properly be satisfied will need to be made available to Parliament in order to support that debate.

Parliament will be able to debate the general security threat; the progress of the investigation; the police numbers involved; the number of suspects detained; the outline of the plot; the what, why and when; the number of countries involved; whether the Home Secretary's decision was properly founded; and whether she had indeed received reports from the police and the DPP. That would be a full debate. I believe in the role of Parliament, and we have embedded that safeguard in our proposals.

Mr. Grieve: Will the Home Secretary answer the point that was made so properly by the hon. and learned Member for Medway (Mr. Marshall-Andrews) that the use of the term "grave and exceptional terrorist threat" is defined in a way that means that it is nothing of the kind? It is not akin to the definition in the Civil Contingencies Act 2004, or an emergency; it could be any terrorist matter brought to the notice of the Home Secretary.

Jacqui Smith: I explained earlier the type of grave and exceptional threat that would be necessary, and I have explained how Parliament could test that.

I hope that hon. Members will agree that in this House we should always rely on force of argument and the rule of law to counter terror. Today hon. Members have heard the arguments, and we have all now to make a decision on the protections that we need to ensure that the rule of law continues to run. The British people place their trust in us to take the right decisions to protect them. I cannot and will not wish away the threat from those whose aim and sole intent is to blow up our citizens, of all races and religions, on our streets.

When it comes to dealing with terrorism, my view is straightforward. We cannot simply hope for the best. We must have plans in place that mean that we can cope with the worst. The question that everybody needs to answer is whether they are confident that no police investigation would ever need to hold somebody for longer than 28 days. I greatly prize consensus. It has motivated me in bringing forward these proposals. However, important as consensus is, I prize the interests of Britain's security above it. We should do the right thing to protect our people, and that is what I am asking the House to support me in this evening.

It being Six o'clock, Mr. Speaker *put forthwith the Question already proposed from the Chair, pursuant to Orders [1 April and 10 June].*

Question put and agreed to.

Clause read a Second time, and added to the Bill.

Mr. Speaker *then put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

New Clause 21

POWER TO DECLARE RESERVE POWER EXERCISABLE

'(1) The Secretary of State may by order declare that the power conferred by Part 4 of Schedule 8 to the Terrorism Act 2000 (c. 11), inserted by Schedule [Amendments relating to period of pre-charge detention] to this Act, to apply for and extend detention under section 41 of that Act beyond 28 days ("the reserve power") is exercisable.

(2) No such order may be made unless—

(a) an order is already in force under section 25 of the Terrorism Act 2006 (c. 11) (extension of maximum period of detention to 28 days), and

(b) the Secretary of State has received a report complying with the requirements of section [Report of operational need for further extension of maximum period of detention] (report of operational need for further extension of maximum period of detention).

(3) The effect of an order under this section is that the reserve power is exercisable in the case of all persons—

(a) then detained under section 41 of that Act, or

(b) subsequently detained under that section at a time when the order is in force.'.

New Clause 22

REPORT OF OPERATIONAL NEED FOR FURTHER EXTENSION OF MAXIMUM PERIOD OF DETENTION

'(1) The report required by section [Power to declare reserve power exercisable] (2)(b) is a report by—

(a) the Director of Public Prosecutions and the chief officer of a police force in England and Wales,

(b) the Crown Agent and the chief constable of a police force in Scotland, or

(c) the Director of Public Prosecutions for Northern Ireland and the Chief Constable of the Police Service of Northern Ireland,

to the following effect.

(2) The report must—

(a) state that each of the persons making the report is satisfied that there are reasonable grounds for believing that the detention of one or more persons beyond 28 days will be necessary for one or more of the purposes mentioned in subsection (3) below, and

(b) give details of the grounds for that belief.

(3) The purposes referred to in subsection (2)(a) are—

(a) to obtain, whether by questioning or otherwise, evidence that relates to the commission by the detained person or persons of a serious terrorist offence,

(b) to preserve such evidence, or

(c) pending the result of an examination or analysis of any such evidence or of anything the examination or analysis of which is to be or is being carried out with a view to obtaining such evidence.

(4) In subsection (3)(a) a "serious terrorist offence" means—

(a) an offence under the Terrorism Act 2000 (c. 11) or the Terrorism Act 2006 (c. 11), or

(b) any offence that has a terrorist connection,

in respect of which an offender who has attained the age of 21 (in England and Wales, 18) is liable on conviction to a sentence of imprisonment for life.

(5) The report must also state that each of the persons making the report is satisfied that the investigation in connection with which the detained person or persons is or are detained is being conducted diligently and expeditiously.

(6) Until the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) (abolition of sentences of custody for life etc), subsection (4) has effect with the omission of the words "(in England and Wales, 18)".'.

New Clause 24

NOTIFICATION OF CHAIRMEN OF CERTAIN COMMITTEES

'(1) The Secretary of State must on making an order under section [Power to declare reserve power exercisable] forthwith notify—

(a) the chairman of the Home Affairs Committee of the House of Commons,

(b) the chairman of the Joint Committee on Human Rights, and

(c) the chairman of the Intelligence and Security Committee.

(2) The Secretary of State must also, as soon as reasonably practicable, provide each of those persons with a copy of—

(a) the report received under section [Report of operational need for further extension of maximum period of detention] (report on operational need for further extension of maximum period of detention), and

(b) the legal advice obtained under section [Independent legal advice] (independent legal advice).

(3) The information received under subsection (1) and the documents received under subsection (2) are to be held by the recipients subject to the terms of their oath as a privy counsellor (or if any recipient is not a privy counsellor, on corresponding terms).

(4) The references in subsection (1) to the Home Affairs Committee of the House of Commons and the Joint Committee on Human Rights shall—

(a) if the name of the Committee is changed, be taken (subject to paragraph (b)) to be references to the Committee by its new name;

(b) if the functions of the Committee at the passing of this Act (or functions substantially corresponding to those functions) become functions of a different committee, be taken to be references to the committee by whom the functions are for the time being exercisable.'.

New Clause 25

STATEMENT TO BE LAID BEFORE PARLIAMENT

'(1) After making an order under section [Power to declare reserve power exercisable] the Secretary of State must lay before Parliament a statement to the following effect.

(2) The statement must state that the Secretary of State is satisfied—

(a) that a grave exceptional terrorist threat has occurred or is occurring,

(b) that the reserve power is needed for the purpose of investigating the threat and bringing to justice those responsible,

(c) that the need for that power is urgent, and

(d) that the provision in the order is compatible with Convention rights (within the meaning of section 1 of the Human Rights Act 1998 (c. 42)).

(3) The statement may include such other information as to the reasons for the decision to make the order as appears to the Secretary of State to be appropriate.

(4) The statement must not include—

(a) the name of any person then detained under section 41 of the Terrorism Act 2000 (c. 11), or

(b) any material that might prejudice the prosecution of any person.

(5) The statement must be laid before Parliament within two days after the day on which the order was made or, if that is not practicable, as soon as is practicable.'.

New Clause 26

PARLIAMENTARY SCRUTINY

'(1) Where an order under section [Power to declare reserve power exercisable] is made—

(a) the Secretary of State must as soon as is reasonably practicable lay the order before Parliament, and

(b) the order shall lapse at the end of the period of seven days beginning with the date of laying unless during that period each House of Parliament passes a resolution approving it.

(2) If the order lapses under this section, the officer having custody of a person whose detention—

(a) was authorised by virtue of the reserve power, and

(b) is not otherwise authorised by law,

must release that person immediately.

(3) Nothing in this section—

(a) prevents the making of a new order, or

(b) affects anything done by virtue of the order before it lapsed.'.

New Clause 27

PARLIAMENTARY SCRUTINY: PROROGATION AND ADJOURNMENT

'(1) If when an order is made under section [Power to declare reserve power exercisable] Parliament stands prorogued to a day after the end of the period of five days beginning with the date on which the order is made, Her Majesty shall by proclamation under the Meeting of Parliament Act 1797 (c. 127) require Parliament to meet on a specified day within that period.

(2) If when an order is made under that section the House of Commons stands adjourned to a day after the end of the period of five days beginning with the date on which the order is are made, the Speaker of the House of Commons shall arrange for the House to meet on a day during that period.

(3) If when an order is made under that section the House of Lords stands adjourned to a day after the end of the period of five days beginning with the date on which the order is made, the Speaker of the House of Lords shall arrange for the House to meet on a day during that period.

(4) In subsections (2) and (3) a reference to the Speaker of the House of Commons or the Speaker of the House of Lords includes a reference to a person authorised by Standing Orders of the House of Commons or of the House of Lords to act in place of the Speaker of the House of Commons or the Speaker of the House of Lords in respect of the recall of the House during adjournment.'.

New Clause 28

DURATION

'(1) An order under section [Power to declare reserve power exercisable] lapses at the end of the period of 30 days beginning with the day on which the order was made.

(2) If an order lapses under this section, the officer having custody of a person whose detention—

(a) was authorised by virtue of the reserve power, and

(b) is not otherwise authorised by law,

must release that person immediately.

(3) Nothing in this section—

(a) prevents the making of a new order, or

(b) affects anything done by virtue of the order before it lapsed.'.

New Clause 29

INDEPENDENT REVIEW AND REPORT

'(1) After the end of any period during which an order was in force under section [Power to declare reserve power exercisable], the person appointed under section 36 of the Terrorism Act 2006 (c. 11) (review of terrorism legislation) must—

(a) carry out a review in accordance with this section, and

(b) send a report on the outcome of the review to the Secretary of State.

(2) The review must consider—

(a) whether before making the order the Secretary of State received a report complying with the requirements of section [Report of operational need for further extension of maximum period of detention] (report of operational need for further extension of maximum period of detention), and

(b) what information was before the Secretary of State as to the matters mentioned in the statement required by section [Statement to be laid before Parliament] (statement to be laid before Parliament),

and the report must state whether in the opinion of the person carrying out the review the decision of the Secretary of State to make the order was, in all the circumstances, reasonable.

(3) The review must consider the case of every person who was detained in pursuance of a warrant of further detention in which the specified period was extended beyond 28 days.

(4) The report must state with respect to each case whether in the opinion of the person carrying out the review—

(a) the procedures applicable to the making of an application to extend beyond 28 days the period specified in a warrant of further detention were properly followed, and

(b) the requirements of—

(i) Parts 1 and 2 of Schedule 8 to the Terrorism Act 2000 (c. 11) (treatment of detained persons and review of detention), and

(ii) any applicable code of practice under section 66 of the Police and Criminal Evidence Act 1984 (c. 60) or Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),

were complied with.

(5) The Secretary of State may pay the expenses of the person who conducts a review under this section and also such allowances as the Secretary of State determines.

(6) The report under this section relating to any period during which an order under section [Power to declare reserve power exercisable] was in force must be sent to the Secretary of State not later than six months after the order ceased to be in force.

(7) The Secretary of State must lay a copy of the report before Parliament as soon as reasonably practicable.

(8) In this section "warrant of further detention" and "the specified period" (in relation to such a warrant) have the meaning they have in Schedule 8 to the Terrorism Act 2000.'.

New Clause 30

AMENDMENT TO THE CIVIL CONTINGENCIES ACT 2004

In section 23 of the Civil Contingencies Act 2004 (c. 36) (limitations of emergency regulations), after subsection (4) (provision that may not be made) insert—

"(4A) In subsection (4)(d) the reference to alteration of procedure in relation to criminal proceedings includes alteration of the period for which a person may be detained under section 41 of the Terrorism Act 2000 (arrest without warrant of terrorist suspect).'".

New Clause 32

INDEPENDENT LEGAL ADVICE

'(1) Before making an order under section [Power to declare reserve power exercisable] the Secretary of State must obtain for the purposes of sections [Notification of chairmen of certain committees] and [Statement to be laid before Parliament] independent legal advice as to whether the Secretary of State can properly be satisfied of the matters mentioned in section [Statement to be laid before Parliament](2).

(2) "Independent legal advice" means advice from a lawyer other than a government lawyer.

(3) A "lawyer" means—

(a) as respects England and Wales, a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act);

(b) as respects Scotland, an advocate (whether in practice as such or employed to give legal advice), or a solicitor who holds a practising certificate;

(c) as respects Northern Ireland—

(i) a barrister (whether in practice as such or employed to give legal advice); or

(ii) a solicitor who holds a practising certificate.

(4) Until the commencement of the relevant provisions of the Legal Services Act 2007, the following is substituted for subsection (3)(a)—

"(a) as respects England and Wales—

(i) a barrister (whether in practice as such or employed to give legal advice);

(ii) a solicitor who holds a practising certificate; or

(iii) a person other than a barrister or solicitor who is an authorised advocate or authorised litigator (within the meaning of the Courts and Legal Services Act 1990);".

(5) A "government lawyer" means a lawyer who holds, or has held, an office/(other than judicial office) or employment under the Crown.

(6) If an order under section [Power to declare reserve power exercisable] is made the Secretary of State must lay before Parliament at the same time as the statement required by section [Statement to be laid before Parliament] a copy of the advice obtained under this section.

(7) If it appears to the Secretary of State that the advice contains material whose disclosure—

(a) would be damaging to the public interest, or

(b) might prejudice the prosecution of any person,

the duty of Secretary of State under subsection (6) is to lay before Parliament a copy of a version of the advice, provided by or agreed with the independent legal adviser, that does not contain such material.'.—*[Mr. McNulty.]*

Brought up, and read the First time.

Question put, That the clauses be added to the Bill:—

The House divided: Ayes 315, Noes 306.

Division No. 219] **[6.1 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq

Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Wilson, Sammy
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Steve McCabe and Claire Ward

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burden, Richard
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cohen, Harry
Conway, Derek
Cook, Frank
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobson, rh Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Drew, Mr. David
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan

Harvey, Nick
Havard, Mr. Dai
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kilfoyle, Mr. Peter
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Meacher, rh Mr. Michael
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Morgan, Julie
Moss, Mr. Malcolm
Mulholland, Greg
Mullin, Mr. Chris
Mundell, David
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Salmond, rh Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thornberry, Emily
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Crispin Blunt and Paul Rowen

Lord Commissioner of Her Majesty's Treasury (Claire Ward): The Ayes to the right, 315. The Noes to the left, 306. *[Interruption.]*

Mr. Speaker: Order. *[Interruption.]* Order. Mr. Gale, I warn you. You are a member of the Chairmen's Panel, and you know full well that every hon. Member in the House has their own vote and their own conscience—*[Interruption.]* Order. And no one will ever censure a Member of Parliament on how they vote, especially one of their own. *[Interruption.]* Order. Let me do my job.

The Ayes to the right, 315. The Noes to the left, 306. The Ayes have it.

Question accordingly agreed to.

Clauses added to the Bill.

After Clause 21

Amendment made: No. 4, in page 16, line 17, leave out clause 22.—*[Mr. McNulty.]*

New Schedule 1

'AMENDMENTS RELATING TO PERIOD OF PRE-CHARGE DETENTION

PART 1

RESERVE POWER TO EXTEND MAXIMUM PERIOD OF DETENTION

1 After Part 3 of Schedule 8 to the Terrorism Act 2000 (c. 11) (extension of detention under section 41) insert—

"PART 4

RESERVE POWER TO EXTEND DETENTION UNDER SECTION 41

Introductory

38 The power conferred by this Part of this Schedule is exercisable only when an order under section [Power to declare reserve power exercisable] of the Counter-Terrorism Act 2008 is in force.

Application to court to authorise further detention

39 (1) Each of the following—

(a) in England and Wales, the Director of Public Prosecutions or a Crown Prosecutor acting with the consent of the Director,

(b) in Scotland, the Lord Advocate or a procurator fiscal,

(c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,

may apply for the extension of the period specified in the warrant of further detention under which a person is detained, beyond the period of 28 days beginning with the relevant time.

(2) An application under this paragraph must be made to a senior judge.

(3) Subject to sub-paragraph (4), the period by which the specified period is further extended on an application under this section shall be the period—

(a) beginning with the end of the period for which the period specified in the warrant was last extended, and

(b) ending with whichever is the earlier of—

(i) the end of the period of 7 days beginning with that time, or

(ii) the end of the period of 42 days beginning with the relevant time.

(4) A senior judge may further extend the period specified in a warrant by a shorter period than is required by sub-paragraph (3) if—

(a) the application for the extension is an application for an extension by a period that is shorter than is so required, or

(b) the senior judge is satisfied that there are circumstances that would make it inappropriate for the period of the extension to be as long as the period so required.

(5) Where the specified period is extended under this paragraph—

(a) the warrant must be endorsed with a note stating the new specified period, and

(b) if the period is extended to a time that is more than 28 days after the relevant time, it is the duty of the applicant (in Scotland, of the Crown Agent)—

(i) to inform the Secretary of State forthwith, and

(ii) to provide the Secretary of State, as soon as practicable, with the information required by paragraph 41(3) and (4) (information to be contained in statement to Parliament).

Application to court: supplementary provisions

40 (1) Paragraphs 30(3) and 31 to 34 apply to an application under paragraph 39 as they apply to an application for a warrant of further detention, but—

(a) as if references to a judicial authority were to a senior judge,

(b) as if references to the judicial authority in question were to the senior judge in question, and

(c) as if the reference in paragraph 32(2) to relevant evidence were to evidence relating to the commission by the detained person or persons of a serious terrorist offence.

(2) In sub-paragraph (1)(c) "serious terrorist offence" means—

(a) an offence under the Terrorism Act 2000 (c. 11) or the Terrorism Act 2006 (c. 11), or

(b) an offence that has a terrorist connection (within the meaning of the Counter-Terrorism Act 2008: see section 87 of that Act),

in respect of which an offender who has attained the age of 21 (in England and Wales, 18) is liable on conviction to a sentence of imprisonment for life.

(3) Until the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (c. 43) (abolition of sentences of custody for life etc), sub-paragraph (2) has effect with the omission of the words "(in England and Wales, 18)".

(4) A senior judge may adjourn the hearing of an application under paragraph 39 only if the hearing is adjourned to a date before the end of the period specified in the warrant.

This does not apply to an adjournment under paragraph 33(2).

(5) In this Part of this Schedule "the relevant time", in relation to a person, means—

(a) the time of that person's arrest under section 41, or

(b) if that person was being detained under Schedule 7 at the time of that person's arrest under section 41, the time when that person's examination under that Schedule began.

(6) In this Part of this Schedule "senior judge" means—

(a) in England and Wales—

(i) a judge of the High Court, or

(ii) a circuit judge designated for the purposes of this Part of this Schedule by the Lord Chief Justice of England and Wales;

(b) in Scotland—

(i) a judge of the High Court of Justiciary, or

(ii) the sheriff;

(c) in Northern Ireland—

(i) a judge of the High Court, or

(ii) a county court judge designated for the purposes of this Part of this Schedule by the Lord Chief Justice of Northern Ireland.

(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (6)(a).

(8) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (6)(c)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).

Parliament to be informed if court authorises detention beyond 28 days

41 (1) If on an application under paragraph 39 the court extends the period specified in the warrant of further detention under which a person is detained to a time that is more than 28 days after the relevant time, the Secretary of State must inform Parliament.

(2) The Secretary of State must lay a statement before Parliament as soon as reasonably practicable after the period has been extended.

(3) The statement must specify—

(a) the date on which the period was further extended,

(b) the period by which the period was further extended, and

(c) the total number of days for which the person's detention has been authorised—

(i) beginning with the relevant time, and

(ii) ending with the last day of the period specified in the warrant.

(4) The statement must also give details of—

(a) the court that heard the application under paragraph 39 in relation to the detained person; and

(b) the place where the person is being detained.

(5) The statement must not include—

(a) any details of the person detained, or

(b) any material that might prejudice the prosecution of any person.".

PART 2

CONSEQUENTIAL AMENDMENTS

Prosecution of Offences Act 1985

2 (1) Section 1(6) and (7) of the Prosecution of Offences Act 1985 (c. 23) have effect in relation to the making of an application under Part 4 of Schedule 8 to the Terrorism Act 2000 (c. 11) (a "Part 4 application") subject to the following provisions.

(2) Section 1(6) (Crown Prosecutor to have powers of Director as to the institution and conduct of proceedings) does not authorise the making of a Part 4 application by a Crown Prosecutor without the consent of the Director.

(3) Section 1(7) (power of Crown Prosecutor to give consent etc in place of Director) applies only to a Crown Prosecutor authorised by the Director in person to give consent for the purposes of Part 4 applications.

Terrorism Act 2000

3 In section 41(6), (7) and (8) of the Terrorism Act 2000 (c. 11) for "or 36" substitute ", 36 or 39".

4 In paragraph 29(3) of Schedule 8 to that Act for "paragraph 36" substitute "paragraphs 36 and 39".

5 For paragraph 36 of that Schedule (extension of warrants) substitute—

"*Extension of specified period*

36 (1) Each of the following—

(a) in England and Wales, a Crown Prosecutor,

(b) in Scotland, the Lord Advocate or a procurator fiscal,

(c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland,

(d) in any part of the United Kingdom, a police officer of at least the rank of superintendent,

may apply under this paragraph for the extension of the period specified in a warrant of further detention.

(2) An application under this paragraph may be made to a judicial authority if—

(a) the grant of the application (otherwise than in accordance with sub-paragraph (4)(b)) would extend that period to a time that is no more than 14 days after the relevant time, and

(b) no application has previously been made to a senior judge in respect of that period.

In any other case an application under this paragraph must be made to a senior judge.

(3) Subject to sub-paragraph (4), the period by which the specified period is extended on an application under this paragraph shall be the period—

(a) beginning with—

(i) in the case of a warrant specifying a period that has not previously been extended, the end of the period specified in the warrant, and

(ii) in any other case, the end of the period for which the period specified in the warrant was last extended; and

(b) ending with the earlier of—

(i) the end of the period of 7 days beginning with that time, or

(ii) the end of the period of 28 days beginning with the relevant time.

(4) A judicial authority or senior judge may extend the period specified in a warrant by a shorter period than is required by sub-paragraph (3) if—

(a) the application for the extension is an application for an extension by a period that is shorter than is so required, or

(b) the judicial authority or senior judge is satisfied that there are circumstances that would make it inappropriate for the period of the extension to be as long as the period so required.

(5) Where the specified period is extended, the warrant must be endorsed with a note stating the new specified period.

Extension of specified period: supplementary provisions

36A (1) Paragraphs 30(3) and 31 to 34 apply to an application under paragraph 36 as they apply to an application for a warrant of further detention.

(2) In relation to an application made to a senior judge they apply—

(a) as if references to a judicial authority were to a senior judge, and

(b) as if references to the judicial authority in question were to the senior judge in question.

(3) A judicial authority or senior judge may adjourn the hearing of an application under paragraph 36 only if the hearing is adjourned to a date before the end of the period specified in the warrant.

This does not apply to an adjournment under paragraph 33(2).

(4) In paragraph 36 "the relevant time", in relation to a person, means—

(a) the time of that person's arrest under section 41, or

(b) if that person was being detained under Schedule 7 at the time of that person's arrest under section 41, the time when that person's examination under that Schedule began.

(5) In this Part of this Schedule "senior judge" means—

(a) in England and Wales—

(i) a judge of the High Court, or

(ii) a circuit judge designated for the purposes of paragraph 36 by the Lord Chief Justice of England and Wales;

(b) in Scotland—

(i) a judge of the High Court of Justiciary, or

(ii) the sheriff;

(c) in Northern Ireland—

(i) a judge of the High Court, or

(ii) a county court judge designated for the purposes of paragraph 36 by the Lord Chief Justice of Northern Ireland.

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (5)(a).

(7) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (5)(c)—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).".

Terrorism Act 2006

6 (1) Section 25 of the Terrorism Act 2006 (c. 11) (expiry or renewal of extended maximum detention period) is amended as follows.

(2) In the heading for "extended" substitute "28 day".

(3) In subsection (3)(b) for "paragraph 37" substitute "paragraphs 36A and 37".

(4) For subsection (4) substitute—

"(4) The further consequential modifications are—

(a) the substitution for paragraph 36(2) of—

"(2) The person to whom an application under this paragraph may be made is a judicial authority.":

(b) the omission of the words "or senior judge" wherever occurring in paragraphs 36(4), 36A(3) and 37(2); and

(c) the omission of paragraph 36A(2) and (5) to (7).".—*[Mr. McNulty.]*

Brought up, and read the First time.

Question put, That the schedule be added to the Bill:—

The House divided: Ayes 315, Noes 294.

Division No. 220] **[6.20 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn

Simpson, David
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Wilson, Sammy
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Steve McCabe and Claire Ward

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cook, Frank
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobson, rh Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Havard, Mr. Dai
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kilfoyle, Mr. Peter
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mullin, Mr. Chris
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm

Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Ruffley, Mr. David
Russell, Bob
Salmond, rh Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Paul Rowen and
Mr. Richard Benyon

Question accordingly agreed to.
Schedule added to the Bill.

After Schedule 1

Amendment made: No. 5, in page 64, line 15, leave out Schedule 2.—*[Mr. McNulty.]*

Motion made, and Question put, That the Bill be now read the Third time:—

The House divided: Ayes 315, Noes 78.

Division No. 221] **[6.35 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dobbin, Jim
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian

MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, rh Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Paisley, rh Rev. Ian
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Widdecombe, rh Miss Ann
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilson, Phil
Wilson, Sammy
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Claire Ward and Steve McCabe

NOES

Alexander, Danny
Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Binley, Mr. Brian
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Corbyn, Jeremy
Cox, Mr. Geoffrey
Davey, Mr. Edward
Dismore, Mr. Andrew
Durkan, Mark
Farron, Tim
Featherstone, Lynne
Flynn, Paul
Foster, Mr. Don
Galloway, Mr. George
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hogg, rh Mr. Douglas
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
Moore, Mr. Michael
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Prentice, Mr. Gordon
Pugh, Dr. John
Reid, Mr. Alan
Rennie, Willie
Rogerson, Dan
Russell, Bob
Sanders, Mr. Adrian
Shepherd, Mr. Richard
Short, rh Clare
Simpson, Alan
Smith, Sir Robert
Stunell, Andrew
Swinson, Jo
Taylor, Matthew
Teather, Sarah
Thornberry, Emily
Thurso, John
Webb, Steve
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny

Tellers for the Noes:
Paul Rowen and Richard Younger-Ross

Question accordingly agreed to.

Bill read the Third time, and passed.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): On a point of order, Mr. Speaker. We understand that internal agreement of extra expenditure in Northern Ireland of some £1.2 billion has been announced today, so I wonder whether you, Mr. Speaker, have had notice of any emergency Budget statement concerning Northern Ireland?

Mr. Speaker: All I can say is that that is something on which I do not want to be drawn. I will leave it at that.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Further to that point of order, Mr. Speaker. Would it be in order to request that an urgent question on precisely that issue be directed to the Chancellor of the Exchequer for tomorrow?

Mr. Speaker: I deal with urgent questions on the day. The right hon. and learned Gentleman would know that, as he is quite a regular at submitting urgent questions.

Dr. Liam Fox (Woodspring) (Con): On a different point of order, Mr. Speaker. Reports are appearing in the media that there may have been a major security breach, with a top-level intelligence report on al-Qaeda having been left on a train. Will it be possible for a Minister to make a statement to the House as soon as possible on what might be a very serious issue?

Mr. Speaker: As the hon. Gentleman knows, Ministers are entitled to come to the House whenever they wish to make a statement. His concern will have been heard and recorded.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

EXTRADITION

That the draft Extradition Act 2003 (Amendment to Designations) Order 2008, which was laid before this House on 6th May, be approved.—*[Steve McCabe.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

CONSTITUTIONAL LAW

That the draft Scotland Act 1998 (Transfer of functions to the Scottish Ministers etc.) Order 2008, which was laid before this house on 8th May, be approved.—*[Steve McCabe.]*

Question agreed to.

PETITION

Driving Test Centre (Wellingborough)

6.49 pm

Mr. Peter Bone (Wellingborough) (Con): On Saturday, I attended an open-air protest meeting with more than 100 driving instructors, complaining about the closure of Wellingborough driving test centre as a result of the Government not getting a derogation from European Union law. I would like to present their petition, which states:

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

The Humble Petition of residents of the Borough of Wellingborough and surrounding areas,

Sheweth

That the Government is forcing the closure of the Wellingborough Driving Test Centre which is a loss of another public service to the local area. Wellingborough is part of the South Midlands and Milton Keynes Core Spatial Strategy and is expected to expand by between a third and a half in the next few years. Driving instructors and pupils will have to travel to Kettering Driving Test Centre, 9 miles away. This will cause inconvenience, increased CO_2 emissions, additional cost and annoyance to the residents of Kettering.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Transport to reconsider her decision to close Wellingborough Driving Test Centre.

And your Petitioners, as in duty bound, will ever pray, &c.

[P000210]

Somalia (Human Rights)

Motion made, and Question proposed, That this House do now adjourn.—*[Steve McCabe.]*

6.50 pm

Mr. George Galloway (Bethnal Green and Bow) (Respect): A Government ready to rely on those friends of liberty, the Democratic Unionist party, to shred the liberties of our own people are almost by definition unembarrassable, but I hope this evening to add to the issues ventilated in a recent Channel 4 "Dispatches" programme to adumbrate the extent to which the tragedy in Somalia, which so many people are now becoming aware of, is another of our Government's dirty little secrets.

We must start the story in Ethiopia, where 4 million people, according to the United Nations, are facing starvation and 120,000 Ethiopian children have just one month to live, according to last week's media reports. Television viewers were shocked to see the pictures last week of the widespread suffering redolent of 1984 and the great famine of that year.

The US and Britain immediately pledged $90 million in famine relief. Just one week after its appeal to the international community for famine relief, the Ethiopian Government increased their military budget by $50 million to $400 million. The regime in Addis Ababa—when I knew them in the 1980s, they were pro-Albanian Maoists—are the most militarised and heavily armed in Africa. They are in a state of perpetual war or preparation for war with one neighbour, Eritrea, and they are supporting anti-Government rebels in Sudan, many believe with western connivance.

Most astonishingly of all, the Government of Ethiopia—that starving country whose little children are fly infested, kwashiorkor swollen, famished and famine stricken—have been encouraged, armed, trained, financed and otherwise facilitated to invade and occupy their neighbour, Somalia, and create a reign of terror in that land, which is testified to by this voluminous Amnesty International report, which, if I had time, I would extensively quote from.

Somalia has lost thousands of dead as a result of the Ethiopian invasion. Millions have been displaced. Somalia, under Ethiopian occupation, is the grimmest prison state in Africa—far worse than Mugabe's Zimbabwe. Who has done the encouraging, the arming, the training, the financing and the facilitating? The same US and British Governments who donated the $90 million to the same Ethiopian Government who are burning their money and burning the villages, the neighbourhoods and the people of occupied Somalia.

This Government are never done talking about the shortcomings of African leaders. Just last week in Rome, the Secretary of State for International Development was roaring at Robert Mugabe, yet there has not been a squeak out of him, or any other Minister, about the much bigger crime in which we are ourselves deeply complicit. Is it any wonder that African opinion considers so much of what we have to say about misgovernance in Africa to be the deepest, most cynical hypocrisy?

Two weeks ago, Channel 4's "Dispatches" team took terrifying risks to bring us the latest from occupied Mogadishu. That was undoubtedly an award-winning documentary. It was memorable for many reasons, not least the scene in the Foreign and Commonwealth Office when the Minister of State, Lord Malloch-Brown, his face frozen in horror, was confronted by Aidan Hartley with the central case of the documentary makers. For the benefit of Members who did not see the programme—the Minister will certainly have seen it; she would hardly be sent out to bat on this wicket without being shown it—that central case was that, in the grim prison state of occupied Somalia, the fingerprints of our country and our Government were all over the scene of the crime.

The President of the puppet regime imposed by the Ethiopian army in Somalia turns out to be British. He spends much of his time here—well, it is dangerous in Somalia, after all—and has property and family here. After presiding over a gang of torturers, murderers, grand larceners and extortionists, he flies back to England. Then there is the police chief whose officers kidnap people for ransom, which they extort from people living in our own country—in Leicester, in Birmingham, in London. They torture people, make them disappear, and kill them if their families will not pay. He too is British. As for the former Interior Minister who presides over an interior of mass refugee camps, starvation and misery, and who stands accused of stealing international aid and diverting food for political purposes—why, he is British as well.

Guess who is paying the wages of the murdering, kidnapping, torturing, quisling police force in Ethiopian-occupied Somalia? That's right: we are. The public dictatorship in Somalia is a very British crime, especially as our own Government—in particular, that pocket-sized Palmerston to whom I referred earlier, the Secretary of State for International Development—are so voluble on the subject of other problems in Africa.

So how did we get here? How did we get into bed with the former pro-Albanian Maoists of the Government in Addis Ababa? I am afraid that the answer is our old friend, our old acquaintance, the policy of "my enemy's enemy is my friend". The policy that has got us into so much trouble, from Afghanistan to Iraq and many other parts of the world, is what lies behind this obscene paradox.

We are supporting the Ethiopian Government's occupation of Somalia because George Bush told us to: because Somalia is a front line in George Bush's ill-conceived, counter-productive, utterly discredited, "about to be booted out in the United States" so-called war on terror. We were against the former Government of Somalia because they were an Islamic Government, just as we are against the Government in Sudan because they are an Islamic Government, and just as Ethiopia, on our behalf, opposed the Government in Eritrea because they are an Islamic Government.

This policy, having been such a disaster around the world, is now in full force in Somalia, and but for Channel 4's "Dispatches" hardly anyone in Britain would know anything about it. No British Minister has come to the Dispatch Box to explain why British taxpayers' money is being paid to a police force in Mogadishu that is accused of kidnapping people and extorting ransom money from British citizens. No British Minister has come to explain—unless we interpret Lord Malloch-Brown's frozen face as an explanation—why we are so heavily involved with a puppet regime that is bereft of political and public support in Somalia.

[Mr. George Galloway]

This policy of backing anyone whom Bush tells us to back—this policy of backing anyone who is against those whom we, today, perceive ourselves to be against—is morally utterly vacuous. Arguably worse than that, however, is the fact that it is a total, dismal failure, as we have found in Afghanistan to our bitter, bitter cost, not least this very week. The very mujaheds whom Mrs. Thatcher's Government lauded, supported and armed are now murdering and killing our soldiers in Afghanistan—

It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Ms Diana R. Johnson.]*

Mr. Galloway: On a point of order, Mr. Deputy Speaker. This Adjournment debate was scheduled to begin at 7 pm and last for half an hour. I have spoken for 10 minutes, and the country—or at least those interested enough to watch on parliamentary television—will not hear the Minister reply.

Mr. Deputy Speaker (Sir Michael Lord): The hon. Gentleman has misunderstood. The Adjournment debate is now starting, which means that he has so far had bonus time. This is one of the procedures, as far as the House is concerned, we have to go through.

Mr. Galloway: That is truly magnificent, Mr. Deputy Speaker, as I have plenty to say. Perhaps I will be able to quote Amnesty International in more detail in the time that I did not think that I would have available.

This policy is not only morally bankrupt; it is politically disastrous. Afghanistan is the perfect example, but the Ethiopian Government preside over a country where famine and mass starvation stalk the land. They are being helped militarily to invade, occupy and threaten their neighbours. What can that conceivably do for our standing in Africa, or for our credibility when we lecture the Governments of Sudan or Zimbabwe?

It would be bad enough if our difficulties in that respect were confined to Africa, but the problem is much worse. The Somalians are the tallest people on earth, but they are virtually invisible, politically, on the international stage and in this country. Yet there are hundreds of thousands of Somalians here, either because they have European Union passports or because they are refugees from the very fighting that we initiated and are now fuelling. Increasingly, young Somalis are furious, bitter and angry. They nurse their wrath as they watch—on Somali television or other Muslim channels—the carnage being wrought in their country.

Two million people in Somalia are living as refugees, out of a population of 11 million. That is almost a fifth of the total: to scale it up, in our country that would amount to 12 million people. There are another 1 million Somali refugees in neighbouring countries, and God knows how many hundreds of thousands are scattered across the EU.

In their bitter exile, the sons—and may be the daughters too—of those Somali families are being brought up bitter and furious at the role played by the west in the problems that they see on their televisions screens. We have spent hours this afternoon trying to deal with the problem of terrorism, but we cannot see how that connects with the way that we constantly infuriate young Muslim boys and girls with the double standards and injustices of our policy towards their countries and the countries from which their parents come.

We cannot see the connection between the growth of extremism and our actions. The Government are always looking for a cleric or an organisation to ban or to blame for the radicalisation of Muslim youth in Britain. But those young people do not need a cleric or an organisation to radicalise them: they just have to watch the news and see what our Government are doing in Muslim countries such as Somalia.

I know that the Minister has seen Channel 4's "Dispatches" programme. She will not claim otherwise, even though she is answering a debate on human rights in Somalia. I hope that she will do a better job than Lord Malloch-Brown did when it comes to explaining how are taxes are being used. Among other things, that tax money could be used to help starving people in Ethiopia. It could be used to keep our pensioners warm in winter or to keep some post offices open.

I see that the hon. Member for Poplar and Canning Town (Jim Fitzpatrick), who is Under-Secretary of State for Transport and the Minister responsible for closing post offices, is standing by your Chair, Mr. Deputy Speaker. I hope that that counts as being in the House and that it is therefore in order for me to refer to him.

The British tax money that I have mentioned could have been used for a better purpose, but instead it is being spent on the security forces in Somalia, which Amnesty International, as well as Channel 4, accuses of widespread abuses of human rights—of torture, murder, disappearances, kidnapping, extortion and grand larceny. Why are we allowing the Interior Minister of Somalia to travel back and forth into our country unmolested when he is accused by aid agencies of purloining international aid—desperately needed emergency aid for hungry people—for himself and for political purposes for his political clan? Why are the Government not stopping him at the border and questioning him about where the money went that was put into Somalia and has disappeared?

Aid agencies will not now, by and large, set foot in Somalia, so catastrophic has the situation there become. I ask the Minister why we are supporting the President, the Interior Minister and the chief of police in Somalia, and allowing them to come and go freely without answering the charges that are being made against them. When will the Government at least condemn the human rights abuses in Somalia? Amnesty has voluminously recorded them, but not a squeak has come from the Government, who have never done roaring at Sudan or Zimbabwe. Why? Because we are deeply complicit in that. Indeed, we are paying for it; we are paying for the security services that are committing these crimes in Somalia.

The Government might think that because most Somalis in Britain do not, for one reason or another, have votes, they can be ignored—that tall as they are, they can be disregarded. However, the truth is that the Somali community in Britain's loathing of the actions of our Government is a ticking time bomb in Britain. I, if not the Minister, am constantly exposed in my constituency, and in Birmingham and Leicester and other places, to

the anger of these young Somalis. There is a disaster waiting to happen. I hope that the Minister will announce today that, in the wake of the Channel 4 revelations, she will investigate the allegations properly, and that she will report her findings to the House.

I am talking in my speech tonight about not only the current British Government's foreign policy towards the horn of Africa and Afghanistan, but about previous Governments' foreign policies, too. I remember being on the Opposition Benches and accusing the then Prime Minister, Mrs. Thatcher, of having opened the gates to the barbarians by her support for the so-called mujaheddin in Afghanistan so many years ago. The policy that our Governments have followed of "my enemy's enemy is my friend" has proved to be fatally flawed everywhere that it has been tried, and it is now being tried all over again in Somalia.

Many Somalis will be watching our debate this evening—word is out about it in the Somali community, and it is being shown on Universal TV and other Somali channels. For their sake, I hope that the Minister will come clean about the dreadful problems that exist, and I also hope that she will say some words to the Ethiopian Government.

Mark Pritchard (The Wrekin) (Con): I congratulate the hon. Gentleman on securing this debate. I apologise for having arrived late for it; I was caught somewhat unawares as it began early. What is best for Somalia and its people is, of course, security. Does the hon. Gentleman accept that the Ethiopian Government are providing security in Somalia at present, and that they want to withdraw from Somalia at the earliest possible moment? Will he also join me in encouraging the United Nations, the African Union Mission in Somalia—AMISOM—and the African Union to ensure that troops are put back into Somalia in order to give Somalis that security, which they need? Ethiopian troops want to return to Addis Ababa.

Mr. Galloway: I do not accept that at all, and it seems that I know the Ethiopian Government rather better than the hon. Gentleman does. As I explained before he came in, I knew them when they were pro-Albanian Maoist guerrillas in the Tigrean People's Liberation Front. I knew all the leaders—they are now the Government Ministers—and I know that they have no intention of withdrawing from Somalia unless they are forced to do so. They want to occupy Somalia because they have been paid to do so by the Government of the United States and our own Government. The Ethiopian Government are doing a job for what they imagine to be the western part of the international community. I see the Minister for closing post offices laughing. His constituency contains many Somalis, as does mine, and I hope that the camera caught him laughing.

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): I apologise for intervening on the hon. Gentleman, but I must point out that I did not laugh at anything that he has been saying so far.

Mr. Galloway: I shall not go further down that track. Perhaps the camera caught the verisimilitude.

The truth is that the Ethiopian Government are carrying out a service for the people who give them weapons, for the people who give them money and for the people who give them diplomatic and political support. They are having a beano in the Ethiopian embassy next week. Perhaps the hon. Member for The Wrekin (Mark Pritchard) will go to it; he will certainly get an invitation in the post following his intervention. The Ethiopian Government are having a beano in the Ethiopian embassy in London to celebrate the 17th anniversary of their coming to power, and it is going to be a very grand event.

That event comes at a time when the Ethiopian Government's own people are starving to death. Their children are starving to death—120,000 children have a month to live—they are invading and occupying their neighbouring countries and nobody says boo about it. In fact, far from saying boo, people are saying, "Here's some more military and financial aid to do it." That is because the Government of President Bush, who are utterly discredited and on their way out, with virtually nowhere to go except Downing street on Sunday for one last photo call, regard the defeat of the former Islamic Government in Somalia as part of their war on terror.

That is what this is all about. Ethiopia is playing the role of hammer in the horn of Africa for the policy of the United States and its war on terror. That is what Ethiopia is doing, so it will not withdraw until a new American Government, hopefully with a Kenyan-affiliated President, tell them that actually this policy is deeply flawed. The puppet regime of British citizens imposed on Somalia by the Ethiopian invasion would not last five minutes if the Ethiopian forces withdrew—that regime would have to withdraw with them. So, any Government who come to power in Somalia in the future will be filled with hatred for Britain and the United States.

That is the problem that we keep making everywhere; we intervene either to prop up tyrants or to support tyrants because we do not like the tyrants that they are fighting against, and we generate still more problems for ourselves. We wonder why that is, and we agonisingly debate anti-terrorism laws. We wonder why so many people in the Muslim world want to hurt us. We wonder why so many young people in the Muslim world are so bitter and angry about us that they want to hurt us. Is it any wonder? Can it be any wonder to any sane person? I beg the Under-Secretary of State for Foreign and Commonwealth Affairs to believe me when I say that it is because of the kinds of policies that I have described. I talk to Somalis all the time, and I know that the rage the Somali community both in Britain and around the world feels about Britain and America's role in their country generates terrorists. As the right hon. Member for North Antrim (Rev. Ian Paisley), who saved the Government's bacon earlier this evening, is in his place and as we spent so many hours discussing anti-terrorism, let me spell it out: we are making new terrorists in Britain with our policy towards Somalia, with our double standards and with our hypocrisy.

Mark Pritchard: Although the Government of Ethiopia are not perfect—indeed, there are Governments closer to home who are not perfect—it is right that human rights abuses by the Somali security services are fully investigated. Nevertheless, does the hon. Gentleman accept that if Ethiopian troops withdrew, it would create a security vacuum in which terrorist groups, including al-Qaeda, would create mayhem in the horn of Africa, which is a key strategic location, and that would come back to haunt us?

Mr. Galloway: I said in this House when it was recalled a few days after the atrocity of 9/11 that if we handled it the wrong way we would make 10,000 new bin Ladens. We have handled it the wrong way, and we have made 10,000 new bin Ladens. The problem of al-Qaeda in Somalia has been made worse by the western intervention and the Ethiopian invasion. Far more people have been recruited to a narrow, fundamentalist, separatist, violent Islamism by our policy than ever would have been if that policy had never been formed.

The hon. Gentleman obviously has not read the Amnesty International document. The Ethiopian forces are not providing security: they are providing mass murder and terror in occupied Somalia. The refugee camps are full with 2 million people. No one can walk on the streets of Mogadishu. Channel 4's reporters were almost killed making their programme. Some of the team on the same vehicle with them were shot dead live on television—

Mark Pritchard: By Somalis.

Mr. Galloway: I do not know if they were shot by Somalis or Ethiopians. The point is that the country has been plunged into utter lawlessness, and to pretend that the Ethiopian Government are providing security is completely ridiculous. The words Somalia and security should not even be mentioned in the same sentence.

There may be a need for African Union forces or Arab League forces. This conflict will go on and I hope that the Minister will not claim that the deal reached this week is any kind of solution to the problem. The people who are doing the fighting are not involved in the deal. It is like a peace process in the north of Ireland that excluded the people who were doing the fighting. That is what has happened in relation to Somalia in the past few days.

I am grateful for the extra time that I had for this debate, and I apologise for my churlish point of order, which turned out to be entirely misconceived. I hope for some answers from the Minister this evening.

7.17 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): I welcome the opportunity to reply to the hon. Member for Bethnal Green and Bow (Mr. Galloway) in this debate. I see this as an excellent chance to highlight how the Foreign and Commonwealth Office seeks to address a number of issues relating to Somalia.

As my noble Friend Lord Malloch-Brown, the Minister for Africa, said in his statement this afternoon, we congratulate the Somali transitional federal Government and the Alliance for the Re-Liberation of Somalia on reaching agreement on the cessation of violence. That agreement was signed by both parties in Djibouti on Monday and was witnessed by members of the international community. I wish to thank the UN Secretary-General's special representative, Ahmedou Ould Abdallah, on his continued efforts to mediate in the talks between the parties which resulted in the agreement. This is a positive step and we look forward to all parties fulfilling their commitment to cease armed confrontation. We are committed to working with the UN to support this process.

Human rights issues in Somalia are longstanding and complex. They cannot be attributed to any one cause, and there are no easy or obvious solutions. Somalia is not like other countries. Serious violence, lack of governance structures and the deteriorating humanitarian situation have been ongoing for 17 years. Many in Somali society have been brutalised by years of violence. It is therefore often individuals, not answerable to any particular group or commander, who carry out abuses on their own initiative. That makes it even more difficult to prevent further abuses and to bring those responsible to justice.

Given that complexity and the insecurity in Somalia, there is little opportunity to monitor the situation reliably or gather and verify facts or allegations. Reporting is often biased and may be exaggerated to exert influence on the international community. The only sustainable way to address human rights in the long term is to engage in effective state building, concentrating on developing institutions, parliamentary accountability, an inclusive security sector and delivery of basic services. Short-term fixes that do not focus on state building will mean we return to the issue year after year, prolonging the suffering of the Somali people.

Reports of incidents and accusations of human rights abuses by Ethiopian troops are difficult to corroborate and have been categorically denied by the Ethiopian Government. Ethiopian troops in Somalia are carrying out a role that security providers in Somalia do not have the capacity for. Many critics forget that fighting between militias went on for 15 years before Ethiopia intervened, at the invitation of Somalia's transitional federal Government.

African Union member nations have not yet committed to contributing sufficient troops to allow for full deployment of the African Union mission in Somalia, which currently has only 2,400 of the 8,000 troops mandated. Further planning for a possible UN mission was called for by UN Security Council resolution 1814, although that is unlikely to be mandated soon. Evidence from other Ethiopian peacekeeping deployments indicates that they make a positive contribution to missions. Ethiopian troops are likely to form the largest contingent of the UN-African Union mission in Darfur.

We regularly engage with human rights organisations, listen to their views and appreciate their efforts to gather information and evidence on human rights. We and they fully acknowledge that allegations of abuse are made against all parties to the conflict in Somalia. We sponsored an Arria meeting at the United Nations in New York on 31 March to enable Governments and the non-governmental organisation community freely to discuss human rights and humanitarian issues and to exchange views on how to achieve progress in Somalia.

The hon. Member for Bethnal Green and Bow might be interested to know that in response to a question from my hon. Friend the Member for Stroud (Mr. Drew), I said:

"We unreservedly condemn all proven incidents of human rights abuse and expect those responsible to face justice."—[*Official Report*, 3 June 2008; Vol. 476, c. 832W.]

My noble Friend the Minister for Africa, Lord Malloch-Brown, raised the issue of human rights in Somalia with the Ethiopian Prime Minister in late January 2008. Our ambassador to Ethiopia regularly raises the issue of respect for human rights in Somalia at senior levels of the Ethiopian Government. Foreign and Commonwealth

Office officials in London and at the UN have also raised the issue with their Ethiopian counterparts.

Ethiopia has told us that it intends to withdraw from Somalia and that it has reduced force numbers by more than half since late February 2007. The Ethiopian Government are extremely positive about the newly signed peace agreement, which includes a strategy for their withdrawal from Somalia. Until Ethiopia withdraws its troops completely, we urge it to use only appropriate force, adhere to international humanitarian law and respect human rights. However, for Ethiopia to withdraw from Somalia before an effective alternative force has been established would risk creating a dangerous security vacuum. Somalis would suffer the most from such a development.

The UK is a leading contributor to world efforts to rebuild the Somali state. We support the efforts of the UN Secretary-General's special representative for Somalia to engage with civil society and to help bring about social and political reconciliation that will lead to greater respect for human rights and religious freedoms for all Somalis. Through helping to shape UN Security Council policy, and our membership of the EU and the international contact group, we press for greater focus on human rights in Somalia. We asked the UN to enhance its capacity to monitor and report on the human rights situation in Somalia and fully supported the Human Rights Council resolution on 20 March to renew the mandate of an independent expert. Both UN Security Council resolution 1814, unanimously adopted on 15 May, and the EU General Assembly and External Relations Council conclusions, adopted on 26 May, support the Office of the High Commissioner for Human Rights, including the independent expert for Somalia, and encourage them to undertake a fact-finding and assessment mission to Somalia to address the human rights situation.

We co-chair the donors group and are the second largest bilateral humanitarian and development donor. We are also the second largest bilateral donor, after the US, for the African Union mission to Somalia. We are a key donor to the UN Development Programme effort to develop a full justice system, including improving the police force and the judiciary and penal systems to an internationally acceptable standard. I understand that the hon. Gentleman thought that that issue was a matter for the Department for International Development, but I can confirm that it is a policy area of the Foreign and Commonwealth Office.

We value human rights highly. No other states are as active as the UK on human rights issues in Somalia. We urge other states to join our efforts and encourage international human rights organisations to concentrate their advocacy activities on pressing other less active states for support, too.

Question put and agreed to.

Adjourned accordingly at twenty-five minutes past Seven o'clock.

House of Commons

Thursday 12 June 2008

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

LONDON LOCAL AUTHORITIES (SHOPPING BAGS) BILL
(BY ORDER)
Order for Second Reading read.
To be read a Second time on Thursday 19 June.

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Low Energy Technology

1. **Mr. Philip Hollobone** (Kettering) (Con): What steps he is taking to promote low energy light-emitting diode technology. [210300]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): The Government fund the Carbon Trust to work with business to increase energy efficiency and administer the enhanced capital allowance scheme for energy-saving technologies. The Department for Business, Enterprise and Regulatory Reform stimulates innovation through a photonics knowledge transfer network, providing support and guidance for manufacturers, especially small and medium-sized businesses. Both those schemes are relevant to low-energy lighting.

Mr. Hollobone: LED lights are super-efficient and emit virtually no heat, so they can help to reduce carbon footprints and fire risk, yet they are not included on the energy technology list to which the hon. Lady has referred. Would she be kind enough to agree to meet me and my constituent, Mr. David Linger from Kettering, who is an expert on the issue, to discuss the matter further?

Joan Ruddock: I agree absolutely with the hon. Gentleman about the value of LEDs, and I can tell him that a new energy technology criteria list will be published, probably in a couple of months' time. Some white LEDs will be on that list. Products that meet the criteria will be eligible to be put on the energy technology product list, which in turn makes them eligible for enhanced capital allowances. ECAs are administered by the Carbon Trust. That is really important, and I suggest that he ask his constituent to get in touch with the Carbon Trust as soon as possible. I am sure that my hon. Friend the Minister for the Environment would be pleased to meet the hon. Gentleman and his constituent.

David Taylor (North-West Leicestershire) (Lab/Co-op): The attraction of LEDs is, of course, that 70 per cent. of the energy is converted to light, but unfortunately only 20 per cent. of the light normally escapes the bulb. What assessment has the Minister made of the potential of nanoimprint lithography to improve that ratio and make bulbs more effective, and what are the Government doing to support that new, growing industry, which has great potential to save the energy that is spent on light, which is a major consumer of energy?

Joan Ruddock: I am grateful to my hon. Friend for his contribution. He is a well-known expert in the field, and he asks us many questions on the subject. As I have said, LEDs are potentially extremely valuable for their energy efficiency. We have a nanotechnology working group—

Gregory Barker (Bexhill and Battle) (Con): It's a small group.

Joan Ruddock: It is very small. I can assure my hon. Friend the Member for North-West Leicestershire (David Taylor) that LED technology is part of our considerations, and will continue to be so, because we think that it has great potential.

Kingsnorth

3. **Mr. Adam Holloway** (Gravesham) (Con): What discussions he has had with the Secretary of State for Business, Enterprise and Regulatory Reform on the environmental impact of the proposed new coal power station at Kingsnorth. [210302]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I regularly discuss energy policy with my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform, but the decision on Kingsnorth will be for him to make, and I cannot comment on what he might decide, for reasons that I know the hon. Gentleman will understand. The environmental impact assessment is an important part of the process.

Mr. Holloway: But does not the Secretary of State think that that undermines any policy commitments to low-carbon technology?

Hilary Benn: I simply say that no decision has yet been made on the Kingsnorth application, as the hon. Gentleman will be well aware. We need to develop carbon capture and storage technology across the world, which is why I am sure that he will welcome the fact that the United Kingdom is currently the only European Union country that has a competition on the go to demonstrate that technology on a commercial scale. With China building one new coal-fired power station a week, and with about 8 GW currently in construction in Germany, we need that technology to work, and I am sure that he will welcome the project.

Mr. Brian Jenkins (Tamworth) (Lab): My right hon. Friend will know that carbon capture technology is vital for our long-term future, but will he make sure that all of us in this country recognise that coal is our main indigenous energy source, and that without it, the lights will go out? We cannot ever have that happen.

Hilary Benn: Coal is currently responsible for a significant proportion of our electricity supply, and certainly a very large proportion of lights around the world are kept burning because of coal. That makes the point that if we are to make progress in reducing global emissions, we have to make progress on significantly decarbonising electricity production from coal. That is why the technology that we are talking about is needed.

Martin Horwood (Cheltenham) (LD): Surely this goes to the heart of joined-up Government thinking on climate change. Given that the right hon. Gentleman's fellow Secretary of State resisted amendments to the recent Energy Bill to mandate carbon capture and storage for new coal-fired power stations, can the right hon. Gentleman tell us whether DEFRA was consulted before that line was taken on the Energy Bill by his fellow Secretary of State? If the right hon. Gentleman was consulted, what did he tell the Department for Business, Enterprise and Regulatory Reform?

Hilary Benn: Nobody has yet been able to make carbon capture and storage technology work on a commercial scale. What is the sensible way to proceed? It is to demonstrate that it is possible to do that on a commercial scale. As the Prime Minister said in his speech in November, once that is shown to work, countries will have a decision to make about whether they wish to mandate carbon capture and storage technology, but we have to show it working on a commercial scale. I hope the hon. Gentleman, like other hon. Members, will welcome the fact that the UK is leading on trying to get one of those projects up and running.

Mr. Bill Olner (Nuneaton) (Lab): My right hon. Friend knows, further to the comments of my hon. Friend the Member for Tamworth (Mr. Jenkins), that we have a sea of coal underneath England. We need to exploit it and we need to get back to a better place than where the Tories left us when they closed down all the coalfields. Clean technology is available that can get the coal out of the ground and raise up communities again.

Hilary Benn: I recognise the point that my hon. Friend makes about the depth of feeling in those communities about what happened. The fundamental truth is that the remaining fossil fuels that we have on this earth, whatever form they take, will need to be carefully used in a way that does not add to the problem of global warming. We all understand that that is the case, and finding ways of doing that is the solution to making progress.

Robert Neill (Bromley and Chislehurst) (Con): Does the Secretary of State accept that his answer will cause great concern to many residents in north Kent and in adjoining parts of south-east London, including mine, where there has been a consensus about the need for low-carbon technology and carbon capture in any new power station developments? It seems troubling to them that the Secretary of State has adopted a course that could open the door to development at Kingsnorth without a commitment to that carbon capture, in their backyard.

Hilary Benn: No decision has been taken on Kingsnorth yet, as the hon. Gentleman is well aware. That decision is for my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform. The point that I have been making to the hon. Gentleman and to the House is that we need to develop carbon capture and storage technology and to show it operating on a commercial scale. That is why we are going ahead with the project.

Mr. Peter Ainsworth (East Surrey) (Con): The Secretary of State mentioned the global context and China, but what message does it send to the world if we on the one hand go around lecturing it about the need to reduce carbon emissions, and on the other teeter on the brink of ushering in the first new unabated coal-fired power station for a generation? Does that not sound like hypocrisy? Is it not fossil politics?

Hilary Benn: I simply say—and I hope the House will bear with me when I say it again—that no decision has been taken yet in relation to Kingsnorth.

Gregory Barker (Bexhill and Battle) (Con): Dithering.

Hilary Benn: With great respect to the hon. Gentleman, who intervenes from a sedentary position, first, E.ON itself has asked that no decision be taken while consultation takes place on carbon capture readiness. That will happen in the summer. Secondly, as the hon. Gentleman is aware, E.ON has put the Kingsnorth application into the competition as well. Those, I should have thought, were two things that he would welcome.

Greenpeace

4. **Andrew Mackinlay** (Thurrock) (Lab): When he last met representatives of Greenpeace; and what matters were discussed. [210304]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): I met representatives of Greenpeace on 7 January to discuss climate change, energy and the Marine Bill, and on 28 February and 2 June together with colleagues to discuss international climate change. The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Chatham and Aylesford (Jonathan Shaw), also met Greenpeace representatives on 12 May to discuss the forthcoming meeting of the International Whaling Commission.

Andrew Mackinlay: In any of those meetings since May, did Greenpeace raise with Ministers the fact that Sizewell B's nuclear reactor was closed down—"unplanned" was the word used by the official spokesperson for the industry—and that when the spokesperson was asked why and what the circumstances were, no statement was forthcoming? Is it not time that Greenpeace and the House were told what the circumstances relating to the closedown of the Sizewell B reactor in May—unplanned?

Hilary Benn: To the best of my recollection, that issue was not raised in the meetings to which I referred. I am sure my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform will take note of the point made by my hon. Friend.

Mr. James Gray (North Wiltshire) (Con): In the meetings that the right hon. Gentleman had with the

director of Greenpeace, did he hear the director of Greenpeace say, with regard to vehicle excise duty, that that

"is the kind of measure that gives green taxes a bad name because it does not change behaviour"?

Does the Secretary of State agree that the Treasury projections for the income from VED increasing exponentially over the years demonstrates that it is nothing to do with changing people's behaviour, and that it is in fact to do with raising more taxes? If it was to do with changing behaviour, presumably the income from it would decline over the years to some kind of vanishing point. Is there not a fundamental disagreement between his Department and the Treasury on the subject?

Hilary Benn: The director of Greenpeace has not raised that issue with me in the meetings I have had with him, but the purpose of the changes put into the Budget was to make us all more aware of the CO_2 emissions of our vehicles—both newly purchased and existing ones. Is it unreasonable in the world in which we live that that factor should be taken into account?

Mr. Denis MacShane (Rotherham) (Lab): Does not Greenpeace support the idea that we have to rethink the way in which we use our cars and that taxation must play a part? I have argued for a counter-cyclical rebalancing of the fiscal state expenditure ratio to put more through taxes in the pockets of lower and middle-income earners, but on cars we have to wean ourselves gently off these Tory gas guzzlers and stop warming up the environment just because it suits the car lobby represented on the Conservative Benches.

Hilary Benn: The high price of petrol and diesel, because of the high price of oil, is bringing us face to face with the resource crunch. I think that every Member of the House acknowledges that. We wish to have the mobility that having a car gives us, but what will really be incentivised is more research and investment into non-polluting forms of car use, particularly electric car technology—and the sooner that comes, the better.

Gregory Barker (Bexhill and Battle) (Con): The Conservatives strongly agree with Greenpeace that an ambitious roll-out of microgeneration should be a key part of the UK's climate change strategy, but to make that happen, we must have a comprehensive system of feed-in tariffs. On 20 February, before the Select Committee on Environment, Food and Rural Affairs, the Secretary of State himself, like many on the Labour Back Benches, strongly supported the role of feed-in tariffs, so why did he roll over and allow DBERR to squash feed-in tariff amendment to the Energy Bill?

Hilary Benn: I do think that we should look into feed-in tariffs, which is why I welcomed the statement made by my hon. Friend the Minister for Energy earlier this year and why I welcome the fact that this matter will figure in the renewable energy strategy consultation that is shortly to be published. The evidence from other countries shows clearly that we should be looking at ways of encouraging microgeneration. The renewables obligation works very well for big renewables, but we need to find a way of getting more to happen at the domestic and community level. I look forward to that consultation, as I am sure the hon. Gentleman does, too.

Mr. David Chaytor (Bury, North) (Lab): When the Secretary of State meets Greenpeace on the next occasion, will he put on the agenda the question of peak oil? Is that not really the elephant in the room? If it is true, as BP says this week, that given the growing demand from China, India and other newly industrialising countries, there may be only four decades of oil left in the world and we are about to reach the peak, is it not necessary that everybody understands that? We need to generate a much deeper public debate about the finite nature of oil reserves.

Hilary Benn: In the light of the questions asked this morning, the director of Greenpeace is going to have a very long list of issues to be raised when we next meet. I agree completely with my hon. Friend that we are coming face to face with the consequences of rising demand and finite resources. As we plan for the future, it will be very difficult for lots of people as they try to cope with the consequences. That reinforces the case for taking action to prepare for a low-carbon economy; it is not an argument for putting it off.

Pig Sector

6. **Mr. David Heath** (Somerton and Frome) (LD): What recent assessment he has made of the profitability of the pig sector. [210306]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): Estimates of pig farm incomes were published in January. The sector's profits have been particularly hit by feed price increases. The average commercial pig farm is expected to show a loss of income of around £4,100 for the period between March 2007 and February 2008. Pigmeat prices have risen steadily in 2008. If that continues, we expect to see a partial recovery in profitability over the next 12 months, although global harvests and feed prices remain a key factor.

Mr. Heath: The pig industry is entering a crisis that goes well beyond cyclical variations. Even with the improvements in prices, the pig farmer is losing an average of £12 for every pig, with losses for pig farmers this year likely to total £170 million and more than 50 per cent. of the national breeding herd lost. Given that, is there not something extraordinary about the fact that supermarket prices are going up, and the primary producers are not benefiting? Yet again, is there not something seriously wrong with the supply chain which the Government would do well to look into?

Jonathan Shaw: We do recognise the difficulties faced by the pig industry, and DEFRA works closely with the British Pig Executive. Indeed, my noble Friend Lord Rooker attended a meeting this week. The pig industry has mounted a campaign, and I attended its conference in Norwich last week. I had a clear message for the supermarket suppliers, which attended the conference: they must take care of the primary producer. When Asda produces a pack of sausages for 16p, that does not help the primary producer. We must support the pig

industry's campaign. I am sure that all hon. Members will do so, because it produces a fine product and its animal welfare is good. We recognise that feed prices are an issue not just for British pig farmers, but for European pig farmers across the board, who also attended the conference. We are working closely with the industry and we hope to see prices increase. The hon. Gentleman makes his point about the primary producers well.

Mr. Ian Cawsey (Brigg and Goole) (Lab): I endorse everything that the hon. Member for Somerton and Frome (Mr. Heath) said. I attended the British Pig Executive emergency meeting in the House earlier this week to discuss this very matter. I realise that my hon. Friend is working hard on the issue, but may I encourage him to ensure that public procurement includes British pork and pigmeat products? I know that contracts have to be tendered, but if he could include animal welfare standards in the specifications, that would not only receive wide public support, but ensure that British pig farmers across the country reaped the benefit of the fine standards on their farms.

Jonathan Shaw: My hon. Friend makes an excellent point. Of course we cannot restrict where people purchase their food from in public procurement, but we can put high welfare standards into the contracts. Many European countries will have high welfare standards, but I am sure that the British pig industry is confident that its standards will be as high as any other, if not higher.

Mr. Richard Bacon (South Norfolk) (Con): Farmers were very pleased to see Lord Rooker at the meeting earlier this week. We all thank him for taking the trouble to attend, and we know that he takes the industry seriously. The Minister mentioned that it was not possible to restrict purchases, but it is possible to improve labelling. Since there is already a requirement for the country of origin to be labelled for fresh fruit, vegetables and beef, does he agree that there is no legal impediment to having the same for pork and pork products, and that that would bring a significant extra benefit for British farmers?

Jonathan Shaw: The hon. Gentleman is right. We are seeing improvements in labelling. Supermarkets and independent stores are increasingly using the strength of local purchase. One can often see pictures of the farmer and the farm that the produce came from. That helps the consumer to make informed choices. I can tell the hon. Gentleman and the House that new food information proposals have come forward from the European Community that, in the case of meat, would require the countries of birth, rearing and slaughter where these are not the same. I hope that those proposals will go some way towards addressing his concerns. The Food Standards Agency is consulting on the matter. I am sure that he and other hon. Members who are concerned about the pig industry, as well as the industry itself, will make a contribution to that consultation.

We have to support the pig industry, which has run an excellent campaign called "Stand By Your Ham"—perhaps hon. Members have seen the video, which is based on the Dolly Parton song and features leading members of the industry, including the fine gentleman Stewart Houston, chairman of the British Pig Executive. We do not want him to give up his day job and start singing—his singing is perhaps not up to Dolly Parton's standards—but we do want him to continue leading the pig industry, which we need to support. We hope that we see better times this year and in years to come.

Mr. Roger Williams (Brecon and Radnorshire) (LD): With the contraction of the British pig herd, more and more pork products are imported into this country, yet 70 per cent. of those imports are not up to the animal welfare standards that we expect in this country. If the Minister could do something meaningful for the pig industry in this country, it would be to ensure that pork is produced throughout Europe to the same high standards as in the UK.

Jonathan Shaw: We have led in Europe on welfare standards, and the industry will highlight that in encouraging people to purchase its products. At the conference that I attended in Norwich, we were joined not only by the supermarkets but by animal welfare organisations saluting the good work of the British pig industry, as well as by pig producers from other European countries. We want to ensure that there is a level playing field and that other countries catch up with our lead.

Food Supply

7. **Tony Lloyd** (Manchester, Central) (Lab): What assessment he has made of the implications for the security of the UK's food supply of recent changes in world food prices. [210307]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): The UK's food security depends on a strong UK agricultural sector, diversity of supply and good trading links, particularly with our EU partners. We are currently more self-sufficient in food than we were 50 years ago, but we do need to respond to changing circumstances. I therefore intend to publish in the near future a consultation paper on ensuring Britain's food security.

Tony Lloyd: I welcome my right hon. Friend's comments. The 2006 DEFRA study of food security relied essentially on the fact that the UK is a rich and open economy, and talked about reliance on world markets. The world is changing, however, and food prices have gone up, with the poorest people in the world and in Britain suffering most. Some of the world's producers are beginning to consider restricting exports of food stocks. In that changed environment, is it not vital that we consider what technology can do domestically, and the possibility of self-sufficiency or at least increasing local supply to guarantee security, particularly for the poorest people in our country?

Hilary Benn: My hon. Friend makes an extremely good point. As circumstances change, we must be prepared to respond in the right way. Ultimately, it would be difficult to close ourselves off entirely from the rest of the world, because it is not just a question of the supply of food but of inputs such as fertiliser and oil to plough the fields and do lots of other things. The House will welcome the fact that our self-sufficiency rose slightly last year from 59 to 61 per cent. for all foodstuffs, and from 72 to 74 per cent. for food that we can grow. We need to take into account all my hon. Friend's points.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Will the right hon. Gentleman be mindful of the need for food security in the medium and long term when he enters further discussions on common agricultural policy reform? Until such time as farmers in the UK can trade on the world market at reasonable prices, it would be very foolish to cut away the financial assistance that they currently receive.

Hilary Benn: We want the farming sector to be strong and profitable and to produce for the market. We should welcome the recent rise in prices for a number of products, albeit that some sectors have had difficulties because of the increased cost of grain. We are seeing the market respond to increased prices with increased production. That might mean that the recent big spike in world prices will decrease in the years ahead, but not come down to the previous level. We need to ensure that the common agricultural policy supports that process. Europe is 90 per cent. self-sufficient in food, and we import no more than 30 per cent. of our food imports from any one European country. Therefore, we have a diversity of supply, which puts Europe in a strong position to support itself.

Mr. David Drew (Stroud) (Lab/Co-op): I hear what my right hon. Friend says, but does he see an important role for local food chains now, and particularly for the idea that people should produce food at home as well as purchase it? Will he talk to his colleagues in the Department for Communities and Local Government about the importance of the garden, which has been underestimated, and in particular about reassessing the role of allotments, because many people would grow their own produce but have not had the opportunity to do so?

Hilary Benn: I agree completely. The year of food and farming is in part about doing precisely that, not least encouraging some of the younger generation to understand that food grows not in supermarkets but in fields, allotments and elsewhere. I think that there is a growing interest in where food comes from—the point raised in the earlier question—which can be seen in the growth of farmers' markets and the efforts that some supermarkets are making to link the products that they sell with the farmers who have produced them. We should welcome that.

Sir Nicholas Winterton (Macclesfield) (Con): The Secretary of State gave a relatively reassuring response to the lead question, but does he not agree that the lesson to be learned is that we still should produce more of the food that we need here in the United Kingdom? In that regard, will he ensure that the Government do not penalise the farming industry through increased taxation, not least increased vehicle excise duty, because vehicles such as 4x4s are essential for farmers to transport livestock? Will he further encourage the superstores not to increase their profitability but to ensure that they treat the farming community in this country more fairly?

Hilary Benn: On the first point on farmers' resources and the fuel that they use in their vehicles, of course they benefit from red diesel, which currently provides a significant amount of support. I take the hon. Gentleman's point about vehicles. On supermarkets, farmers want a fair price for the product that they produce. That is why I think that the whole House will welcome the fact that we have seen an increase in prices relating to milk, beef and sheep in the past few months, which is one reason why many in the farming industry are looking at the future with greater optimism than for some time.

Rob Marris (Wolverhampton, South-West) (Lab): With a growing world population, growing world per capita consumption of food, the adverse effects of climate change and the pressure from biofuels, are the UK Government going to rethink their position on genetically modified crops?

Hilary Benn: The Government's position remains that we should follow the science, and that is what we have done throughout. One particular issue that I raised at the recent meeting of the Environment Council is the speed at which the European Union gives approval for new varieties of GM products to come into the EU. That is highly relevant when it comes to animal feed. A considerable amount of GM soya comes into the country and is fed to animals already. One concern is that prices are higher than they might otherwise be because of the slow approval process in the EU. We should go with the science and the advice on safety, but it is important that, acting in the light of those two things, we provide support to farmers who want to purchase those products to feed to their animals.

Mr. James Paice (South-East Cambridgeshire) (Con): If the Government are finally taking food security seriously, I am genuinely looking forward to the paper that the Secretary of State says he is going to publish.

Recently Lord Rooker admitted that Ministers took their eyes off the ball as far as the imposition of the integrated pollution prevention and control charges was concerned, on pigs and poultry in particular. What assurances can the Secretary of State give us that his eyes are firmly on the ball as far as two imminent issues are concerned: the proposed gold-plating by his Department of the nitrates directive and the proposed regulation of plant protection products, currently in Europe, which by his own officials' estimate could reduce yields of domestic food production in this country by up to 30 per cent.? Will he tell us quite clearly not only that his eyes are on the ball, but that he will stop those things happening?

Hilary Benn: I can assure the hon. Gentleman that my eyes are very much on the ball. In relation to the second of those two issues, I raised that very point at the recent meeting of the Agriculture Council. The problem at the moment is that not enough of the other member states of the European Union seem to have woken up to the implications of what is being proposed. The United Kingdom is in exactly the right place in arguing the case that we have put and to which he refers.

On the first issue, we have had a consultation and will be responding in due course. We are very mindful of the implications of the nitrates directive for farmers, but I am also very mindful of the report just published by the Select Committee on Environment, Food and Rural Affairs, which says what I think we all know—that the rest of Europe has done it and we need to get on with it.

Fuel-poor Households (Hemsworth)

8. **Jon Trickett** (Hemsworth) (Lab): What steps his Department is taking to promote energy-efficient measures among fuel-poor households in Hemsworth constituency. [210308]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): The Government have implemented nationally a number of measures to promote energy efficiency, such as the Warm Front scheme and the carbon emissions reduction target, which is an obligation on energy companies. Both schemes offer a range of insulation and energy-efficiency heating measures to vulnerable households who may be at risk of fuel poverty, and the community energy efficiency fund supplements those schemes in an area-based approach.

Jon Trickett: I am grateful for that response and for the Government's work taking fuel poverty seriously. In the Minister's constituency, like mine, many people are struggling to pay their fuel bills at the moment, so whatever the Government can do will help. Does she agree that the private sector could be encouraged to do more? Fuel bills charged by energy companies recently increased by 15 per cent., yet Centrica, for example, subsequently reported a 500 per cent. increase in profits, which caused much anger. Could private sector companies do more to help those who are fuel-poor partly as a result of the price increases?

Joan Ruddock: As my hon. Friend knows, the Government are extremely concerned about high energy prices. As the Prime Minister has said, we are constantly examining ways in which it may be possible to assist.

The carbon emissions reduction target requires energy companies to deliver improvements in domestic energy efficiency. More than half of that investment, which is equivalent to about £1.5 billion, will be directed at priority groups—those on low incomes, the disabled and the elderly—covering everyone over 70 years of age. We must remember that all domestic consumers pay in the long term for the carbon emissions reduction target, so there is a limit on what the Government can do in further imposing on the energy companies. However, I hear what my hon. Friend says, and I hope that the companies act, because some voluntary contribution to meeting the considerable need at this time to assist the most vulnerable with high fuel prices would of course be extremely welcome.

Miss Julie Kirkbride (Bromsgrove) (Con): I welcome the Government's efforts to deal with fuel poverty today, in Hemsworth and elsewhere, but what are the Government doing to tackle fuel poverty in the future by creating renewable sources of energy in social and affordable housing, which would address some of our climate change problems and provide a complete answer to fuel poverty among poorer households?

Joan Ruddock: The renewable energy strategy consultation will be released very soon. As the hon. Lady knows, the Government are paying a huge amount of attention to renewables. We are implementing more offshore wind energy than any other European country, and we are also examining many other ways in which more renewable energy can be produced. All that would benefit low-income households, because we are talking about national supply. The Government will continue with their programmes to help those who are most vulnerable and we are exercised about the fact that we need to ensure that poor people can afford to keep their homes warm and keep themselves healthy.

Lynne Jones (Birmingham, Selly Oak) (Lab): What is my hon. Friend's view on the adequacy of the budgets for the schemes that she has mentioned, and for the decent homes initiative, in order to bring about the increase in energy efficiency that is commonly seen in Scandinavia, for example? Does she share my concern about the adequacy of the grant maxima under Warm Front? That inadequacy is leading to many poor people having to make top-up contributions to obtain energy-efficient installations.

Joan Ruddock: Hon. Members have made many representations to my ministerial colleagues on the adequacy of Warm Front and the capital limit, and I can tell my hon. Friend that the Minister for the Environment has assured me that he is examining the limits, because we are aware of the issue. Taken together, Warm Front and CERT will deliver much more money for energy efficiency for the domestic consumer than in the previous three years, and we are already considering a strategy for beyond 2011.

Steve Webb (Northavon) (LD): The Minister mentioned Warm Front and CERT, but in constituencies such as Hemsworth, there is a household-by-household approach, with individuals applying and each company trying to find customers in different streets in the area. She mentioned area-based approaches. Should they not be the dominant approach? Is it not far more efficient to take a whole estate or neighbourhood and sort out its energy efficiency, rather than having one van going to one house, and another van going to another?

Joan Ruddock: As I said, there are area-based schemes, and the Government have been piloting such schemes with local authorities. I visited a scheme only this week where the process is on an area basis, not household by household. We are learning from this experience; the schemes will go on for another three years, and are now self-sustaining. We will be able to apply those lessons elsewhere. The hon. Gentleman has a point, but at the moment there is sufficient scope for people to apply and to get the energy efficiency products and services that they need through the two schemes that we have in place.

Climbing (Coastal Areas)

9. **John Mann** (Bassetlaw) (Lab): What discussions he has had with the British Mountaineering Council on access to coastal areas for climbers. [210310]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): We have held a number of discussions with the British Mountaineering Council on access to coastal areas for

climbers. We issued a draft Marine Bill in April which includes provisions to improve public access to the English coast.

John Mann: The Minister will be aware that Britain is one of the world centres for sea cliff climbing, with England alone having more sea cliff climbing than the entirety of the east and west coasts of the United States. Does the Minister agree that the way in which the British Mountaineering Council has managed wildlife restrictions over the past 40 years, in co-operation with conservation bodies, has worked well and is working well?

Jonathan Shaw: I am aware of the code of practice of the British Mountaineering Council, which ensures that its members are aware of nature conservation. It is important that we preserve sensitive and fragile biodiversity systems which are commonplace around our coast. The British Mountaineering Council is ambitious about increasing the opportunities to climb, and there will be more when the draft Marine Bill comes into being. We want to strike a balance between people's access to climb cliffs and the preservation of important and sensitive nature conservation areas.

Richard Ottaway (Croydon, South) (Con): Under his brief of access to coastal areas the Minister is responsible for the "Discovering Lost Ways" project. As he knows, a number of pilot schemes are under way, which are getting seriously bogged down in bureaucracy and red tape. Can he explain to the House what has gone wrong and how he will sort it out?

Jonathan Shaw: There was not a great deal of discovery of those ways, to put it bluntly, so we have stopped that project. We will bring together all the relevant stakeholders to see where we go from here. The concern has been that the lost ways will be scrapped under the 25-year rule. We will not do that until we consider them properly; they are important bridleways and routes of access through our countryside. We will bring together the relevant stakeholders, and work with our agents, Natural England, to find a way forward to discover the right way.

Climate Change Bill

10. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): What recent representations he has received on the provisions of the Climate Change Bill; and if he will make a statement. [210311]

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): This year, we have received approximately 50,000 representations from members of the public, stakeholders and others on the Climate Change Bill. Most representations are campaign based, offering support for the Bill and encouraging the Government to strengthen it.

Mr. Ellwood: I am grateful for that reply. The Government grabbed the headlines by stating that they would cut CO_2 emissions by 20 per cent. by 2010. That is an interesting date, because there will probably have been a general election by then, and the Secretary of State will not be in post to be accountable on those figures. Therefore, could I ask him to give the House an update before 2010 on the progress on meeting those targets? Does he agree that it is not just a matter of having long-term objectives? To keep the Government accountable, it is appropriate to have interim targets as well.

Hilary Benn: I agree with the hon. Gentleman—despite the somewhat unkind premise of his question—that it is important to measure progress, but the 2010 target was always very ambitious. On the basis of current trends, it seems likely that we will achieve about a 16 per cent. reduction in carbon dioxide emissions since 1990. As he will know, however, the United Kingdom will be one of the few countries to meet the Kyoto commitment; indeed, we will probably almost double it.

As for interim targets, the hon. Gentleman will have heard what my hon. Friend the Minister for the Environment had to say when he introduced the Climate Change Bill on Monday. I greatly regret that I could not be present on that occasion. We will set out an indicative range so that we can measure our progress year by year, bearing in mind that five-year budgets are sensible.

Mr. Eric Illsley (Barnsley, Central) (Lab): It has been well flagged up that the Climate Change Bill will include a clause relating to the banning or restricting of plastic bags. Before the Government embark on that route, if indeed they are planning to do so, will my right hon. Friend listen to representations from the packaging and film manufacturers? Having banned plastic bags, we do not want to turn to far more damaging materials, including imported materials such as jute and hemp.

Hilary Benn: Of course we will always listen to representations. We propose to take a power requiring those who issue single-use bags to charge for them. Let me be frank: environmental impact is an issue, but 13 billion of these things are distributed every year, and they are a symbol of a throwaway society. Public attitudes are changing. One big supermarket, Marks and Spencer, has recently reintroduced charges. We should not forget that 20 or 25 years ago most supermarkets charged for plastic bags. This is an important symbolic step. We hope that the industry will be able to demonstrate progress itself, but we will have that power, and if we do not see that progress we will use it.

Topical Questions

T1. [210325] **Andrew Gwynne** (Denton and Reddish) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): The Department's responsibility is enabling us all to live within our environmental means. I am pleased to report that as of yesterday, under the single payments scheme, the Rural Payments Agency had paid £1.396 billion to farmers. That equates to 96.27 per cent. of the estimated total fund, and means that the agency has met all its payment targets for the 2007 scheme. I congratulate the agency's staff on their efforts. I can reassure the House that they will continue to work hard to ensure that all outstanding payments are made as quickly as possible.

Andrew Gwynne: I welcome what my right hon. Friend has said. Given that the most important issue facing him as Secretary of State, us as Members of Parliament and society as a whole is climate change, and given that the United Kingdom is leading the way with the Climate Change Bill, what recent discussions has he had with his counterparts around the globe to ensure that other countries are doing their bit as well?

Hilary Benn: I have recently visited the United States of America, attended the G8 Environment Ministers meeting in Kobe, Japan, been to South Korea, and had discussions with the Indian Science Minister, Mr. Sibal, who leads on climate change. I can summarise those discussions very simply by saying that there is a growing recognition of the need to act. How we construct a deal between now and Copenhagen so that enough contributions can be put on the table to enable us to make progress, in return for finance to help the developing and emerging economies pay for low-carbon development, is the central question that we face in our negotiations, and we all have a part to play in that regard.

T2. [210326] **Mr. Michael Jack** (Fylde) (Con): I hope, Mr. Speaker, that you will not mind my expressing my disappointment to the Secretary of State that no Minister or official from his Department attended the world food summit in Rome to make a DEFRA contribution to the agenda.

Some three and a half months ago, the Select Committee on Environment, Food and Rural Affairs produced its report on managing bovine TB. The Secretary of State wrote to me asking whether he could have a little more time than the usual two months in which to reply to the report, so that a comprehensive policy could be developed and subsequently published. Has that work been completed, and will the Secretary of State assure me that it will be published shortly? Will he also make certain that the Select Committee has sight of his reply first, and that the contents are not leaked into the public domain?

Hilary Benn: I am very happy to give the right hon. Gentleman that assurance. I have taken the Select Committee report—and, indeed, this problem—very seriously, and we will publish our response shortly. On the right hon. Gentleman's first point, as I am sure he is aware, the Government were represented at that conference by my right hon. Friend the Secretary of State for International Development.

T4. [210328] **Mrs. Linda Riordan** (Halifax) (Lab/Co-op): Many of my constituents are worried by stories they are being told that their families could face huge bills for rubbish collection. What plans do the Government have for allowing local councils to charge for waste collection?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Joan Ruddock): I am not at all surprised that my hon. Friend's constituents have been worried about the possibility of huge charges. There have been scare stories in the tabloid press—fuelled, I am sorry to say, by a spokesperson from the Conservative party—that there could be charges as high as £1,000 a year. There is absolutely no truth in those stories. The Government plan to allow up to five local authorities to pilot incentive schemes next year. They would allow local councils to establish rebates for those who recycle most and to impose charges on those who recycle least. From the continental experience, we know that the right level for an incentive to influence behaviour would be about £50 a year. Any money—

Sir Nicholas Winterton (Macclesfield) (Con): It is a tax.

Joan Ruddock: May I say to the hon. Gentleman that it is not akin to a tax; it is technically a tax, but actually any money—*[Interruption.]* No, he should listen carefully. It does not behave like a tax. Any money that the local authority collects is returned to the residents. There is no revenue for the local authority. There is no revenue for the council in these schemes. They are revenue-neutral. Local authorities—primarily Conservative ones—have sought these schemes, and in polls the public say that they would be fair.

T3. [210327] **Bob Russell** (Colchester) (LD): In what year did the Government begin consulting on their proposed national noise strategy and, so as to get a topical answer, when will the national noise strategy be published?

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): I am grateful to the hon. Gentleman for his question. He and I were founder members of the all-party group on noise reduction, and I am sure he will wish to join me in paying tribute to Val Weedon, who recently stepped down from her post at the UK Noise Association, where she did a lot of good work.

Since I was appointed to my post, I and my officials have been looking into the matter the hon. Gentleman raises. He will be aware that we published the noise maps, on which the Department did a huge amount of work. That was one of the largest IT projects ever undertaken, and it was successfully achieved. I was the Minister responsible, and it worked; it all went very well. We must concentrate on the noise strategy, and I hope that I will be able to bring it forward within the year.

Mr. Peter Ainsworth (East Surrey) (Con): May I return the House's attention to something that not only looks like a tax, but acts like a tax? Can the Secretary of State confirm that under the Chancellor's planned changes to vehicle excise duty the increase on a small car such as a Nissan Micra will be larger than on a Hummer? Does he think that that is green or socially just? We all know that the changes in vehicle excise duty will raise more than £1 billion to fill the black hole left by the Government's incompetent handling of the economy, but will he remind us of the Treasury's forecast of the cut in vehicle emissions resulting from the changes?

The Minister for the Environment (Mr. Phil Woolas): As ever, the hon. Gentleman presents only part of the story. He fails to point out that since the fuel duty escalator was abolished in 1999, revenue from transport taxes has fallen by 13 per cent. in real terms. I hope he agrees.

Mr. Ainsworth: The Minister is obviously incapable of telling the House what estimate the Treasury has made of the carbon reduction benefit of this new tax. I can tell him that it is less than 0.5 per cent. of all emissions from road transport. When he next meets the Chancellor, will he remind him that the most environmentally unfriendly thing that can be done is to dress up stealth taxes as green taxes and hope to get away with it, because the people of Britain are not stupid? We want to see changes in the public's attitude and behaviour, so will he tell the Chancellor that the only way in which attitudes change when the Government dress up stealth taxes as green taxes is that people dislike the Government even more than they do already?

Mr. Woolas: What this exchange shows is that the hon. Gentleman knew the answer to his own question, and that exposes the fact that his motive in asking the question was to score political points, not to elicit information from us. I shall ask him a question in response: whatever happened to his policy that the polluter pays?

T5. [210329] **Andrew Mackinlay** (Thurrock) (Lab): Will the Minister reassure those of us who live on the Thames estuary about the integrity of the flood barriers and the capacity of those communities to withstand a possible surge from the North sea? There is growing concern that there does not seem to be an initiative to have a new Thames barrier to the east of London.

Mr. Woolas: I can give my hon. Friend that assurance. In the studies of the Thames barrier, and flood and tidal protection for the Thames basin, we are actively working on that 70 to 100-year plan to ensure that the defences are in place. That includes consideration of a second barrier.

T6. [210330] **Mr. Peter Bone** (Wellingborough) (Con): I do not doubt the Secretary of State's green credentials, but is he concerned that the closure of so many driving test centres across the country and the centralisation of such facilities into a few centres will create millions of additional and unnecessary car journeys, thus increasing CO_2 emissions? Was it not unfortunate that the Government did not get a derogation from the European Union on this matter, as other countries did?

Mr. Woolas: The hon. Gentleman asks a very reasonable question. Of course, a reconfiguration of centres and depots can create extra journeys, but what one finds on other occasions—our Department studies these traffic patterns, along with the Department for Transport—is that over time they even out. For example, the M4 bus corridor, which was opposed at the time by Conservative Members, has proved to be a success. However, we will have to examine the point that he has made.

T9. [210334] **Hugh Bayley** (City of York) (Lab): Since the big flood in York eight years ago, the Government have improved the flood defences for Rawcliffe, and Aquabarrier Systems Ltd has designed a flood barrier for Clementhorpe, which it has given to the city. When will the Environment Agency start work on improving the flood defences for Leeman road? When the water rose, 1,000 people and 700 soldiers toiled through the night to build a sandbag wall that was 1 km long. It protected 1,000 homes from flooding, but a permanent flood defence is now long overdue.

Mr. Woolas: I thank my hon. Friend for his interest and his advocacy on behalf of his constituents. As he knows, the Environment Agency uses a risk-based approach to developing flood-risk projects, and, as a result, other work in his constituency has gone ahead before work in the Leeman road area. Many hon. Members will be familiar with that area, which is next to York station. A study of the flood risk in that specific area is being carried out, and the Environment Agency aims to report back in July. That will identify the options for flood-risk reduction, and the agency has set aside an allocation of £314,000 in its budget to progress any work identified.

T7. [210332] **Mr. Alan Reid** (Argyll and Bute) (LD): The EU's proposals for recording individual sheep movements are completely impractical on hill farms. Recording each individual sheep movement is not necessary for disease control or food safety purposes, and recording batch movement would provide equally good results. Will the Government assure the House that they will do all they can to get the EU proposals amended so that they will be practical to implement on hill farms, which might have hundreds of sheep—perhaps even more than 1,000?

Jonathan Shaw: We know that sheep hill farmers are an important part of their communities. They help to ensure that we have the wonderful grazed landscapes that we all enjoy, but we need to ensure that the regulations do not have a disproportionate effect on our country, given that we have more sheep than most of the other European countries put together. We are working hard on that issue and when we are able to make an announcement, we will obviously do so.

Mrs. Ann Cryer (Keighley) (Lab): Further to the remarks by the hon. Member for East Surrey (Mr. Ainsworth) about the new vehicle excise duty proposals, is my hon. Friend aware that many of my constituents appreciate the potentially positive impact that the proposals could have on the environment? However, is he also aware that many of my constituents are anxious about the retrospective nature of the proposals, in that a family might have bought a large but cheap second-hand car and will find that it will cost them a great deal of money?

Mr. Woolas: My hon. Friend's point is well understood. Some of my constituents—and I am sure that it is the same for hers—have been worried that the word "retrospective" implies that they will have to back-pay. I know that she understands that point, but I just wish to clarify it. It is not unusual for taxes to be retrospective in the sense that she describes, but the Chancellor is well aware of the point that she makes.

Mr. Philip Dunne (Ludlow) (Con): The Secretary of State referred to the excellent report published earlier this week from the Environment, Food and Rural Affairs Committee on the nitrates directive. Does he recognise that the directive will place a significant financial burden on livestock and dairy farmers, and does he agree with

the Committee and the Environment Agency that English farmers need similar financial assistance for the construction of slurry stores as is provided to farmers in Wales and Scotland?

Hilary Benn: To tell the truth about the nitrates directive, if we were starting afresh it probably would not look as it does now, but it was agreed a long time ago and I am not going to take responsibility for it —I was not around at the time. Having said that, we have consulted on what we need to do, because we must make progress. I am very conscious of the pressures that it will place on farmers, and that is why we will respond in due course to the Committee's report. My hon. Friend the Minister for the Environment has been looking carefully at the issue so that we can try to minimise the impact while at the same time ensuring that we honour the requirements that Europe has placed on us. I have been keen to push anaerobic digestion, because that might be a way to provide some assistance.

Business of the House

11.32 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Ms Harriet Harman): The business for next week will be as follows:

MONDAY 16 JUNE—Second Reading of the Children and Young Persons Bill [*Lords*].

TUESDAY 17 JUNE—Opposition day [14th allotted day]. There will be a debate on the Government's plans for polyclinics followed by a debate on sentencing policy and the early release of offenders. Both debates will arise on an Opposition motion.

WEDNESDAY 18 JUNE—A general debate on European affairs.

THURSDAY 19 JUNE—Topical debate: subject to be announced, followed by a general debate on defence procurement.

FRIDAY 20 JUNE—Private Members' Bills.

The provisional business for the week commencing 23 June will include:

MONDAY 23 JUNE—It is expected that there will be a statement on the European Council. Opposition day [11th allotted day] [second part]. There will be a debate on an Opposition motion, subject to be announced, followed by consideration of Lords amendments to the Sale of Student Loans Bill.

TUESDAY 24 JUNE—Opposition day [unallotted day] [first part]. There will be a debate on an Opposition motion in the name of the Democratic Unionist party, subject to be announced, followed by a motion to approve the draft Terrorism Act 2006 (Disapplication of Section 25) Order 2008, followed by a motion to approve the draft Terrorism Act 2000 (Proscribed Organisations) Order 2008.

WEDNESDAY 25 JUNE—Conclusion of remaining stages of the Planning Bill.

THURSDAY 26 JUNE—A general debate on the draft legislative programme.

FRIDAY 27 JUNE—The House will not be sitting.

I wish to take this opportunity to inform the House that it is my intention that the subject for the topical debate on 3 July will be Zimbabwe. It may also be helpful to Members if I inform the House that Her Majesty the Queen will open the new Session of Parliament on Wednesday 3 December.

Mrs. May: I thank the Leader of the House for giving us the forthcoming business and I probably share the feelings of the entire House in thanking her for the debate on Zimbabwe. I am sorry that it is only a one-and-a-half hour topical debate, but it is good that we will be having a debate on Zimbabwe in the House.

Last weekend, the number of troops killed in Afghanistan reached 100 and yesterday my right hon. Friend the Leader of the Opposition asked the Prime Minister to make a statement on Afghanistan. The Prime Minister said that he was willing to keep the House informed. When will we have this statement?

Following last evening's vote to give away civil liberties, there has been much speculation about what promises the Prime Minister had to make to win. So that hon. Members might be better informed before the debate on 24 June in the name of the Democratic Unionist party, can we have a statement from the Northern Ireland Secretary on the Government's plans for expenditure in Northern Ireland?

Talking of the Counter-Terrorism Bill, on Tuesday, Members had only three hours to discuss 16 new clauses and about 60 amendments covering crucial issues such as post-charge questioning and control orders. That has become a regular practice. Ministers tabled at a late stage 218 new amendments to the Planning Bill and the sheer number of late amendments to the Criminal Justice and Immigration Bill meant that major changes to the criminal law and to sentencing were not debated in the House. It is the responsibility of the right hon. and learned Lady to manage the business of the House, but it is becoming clearer with every Bill that is mishandled that she is struggling. Will she make a statement to explain what she is doing to ensure that important issues are given proper time for debate?

I have previously asked why the Government delayed publication of the poverty figures until after, first, the local elections and then the Crewe and Nantwich by-election. Now we know why. The number of children in poverty rose last year and the Government are even further away from meeting their child poverty target. Can we have a debate on the issue as a matter of urgency?

On 18 March, the Minister for Women announced a £1 million emergency fund for rape crisis centres faced with closure but, four months later, no rape crisis centre under threat has received a single penny of that money. So, can we have a statement from the Minister?

This week, the Governor of the Bank of England said that we were facing

"the longest period of financial turmoil"

in memory, yet the Treasury has been characterised by dithering and U-turns, not least on the 10p tax fiasco. There is little wonder that the director general of the CBI has said the Chancellor has "lost it" on tax policy. Can we have a debate, in Government time, on restoring confidence in the Treasury?

Can we have a debate on leadership in government? Since the Prime Minister came to power, the number of working days lost to stress-related illness in the civil service has increased by almost 11,000. Unsurprisingly, one of the two Departments where less time is being lost due to stress is the Treasury, which the Prime Minster left last June. Perhaps his reputation for upsetting secretaries, throwing mobile phones at the wall and reducing his closest advisers to tears is not the best way to boost staff morale. As the only other Department where time lost due to stress fell is the Foreign Office, perhaps the Prime Minister should ask the Foreign Secretary for lessons on leadership.

Finally, can we have a debate on management technique in government? It is today reported that, according to Downing street insiders, the Prime Minister's "Don't panic" message to motorists was deliberately designed to achieve the opposite effect and to get people to panic buy fuel. [HON. MEMBERS: "What?"] Yes. Perhaps in

[Mrs. May]

Brown's Downing street army, when he, like Corporal Jones, says "Don't panic, don't panic", his Cabinet hear the words of Private Frazer—"Doomed. We're all doomed".

Ms Harman: The right hon. Lady asked about Afghanistan, and we all express our condolences to those who have lost loved ones in the fight against the Taliban. We must remind ourselves of the progress that their heroic work has helped to secure. The Prime Minister reminded the House yesterday that only 2 million children were in school in Afghanistan when the operation started, but that the figure is 6 million now, 2 million of them girls. We need to make progress on tackling the Taliban for the sake of the people of Afghanistan and because of the threat that their terrorism poses to the world. Statements to keep the House updated will be made as and when they are appropriate. I know that the Prime Minister addresses those matters whenever they arise at Prime Minister's questions on a Wednesday.

The shadow Leader of the House asked about yesterday's debate and vote on the Counter-Terrorism Bill. I say again that the Government's concern is for the safety of people in this country and for the protection of our civil liberties. The Bill was scrutinised by the Select Committee, there was extensive debate in the House, and now it goes to the Lords. I ask her to spare us her crocodile tears over civil liberties: we introduced the Human Rights Act 1998 against opposition from the Conservatives, who plan to abolish it. That legislation is one of the most important defences of civil liberties to have gone through the House in recent years.

The right hon. Lady raised the question of the programming of the Counter-Terrorism Bill, and of Bills more widely. It is important not to rewrite history, so I remind her of what my right hon. Friend the Minister for Security, Counter-Terrorism, Crime and Policing said about the programme motion:

> "At the start of the process, quite properly, the usual channels asked for two days on Report rather than just one—they asked for and were given that, because of the importance of the matters covered by the Bill. Within that, they asked that one day be given over...for a full day's debate on one clause."—[*Official Report*, 10 June 2008; Vol. 477, c. 172.]

That request was also granted. There was discussion through the usual channels, and exceptional arrangements were made for a very important debate.

As for child poverty, there has been a substantial fall in the number of children being brought up in poverty since this Government came to office in 1997. However, we are determined to step up the momentum and that is why we have introduced further measures to bring even more children out of poverty. Last Monday, my right hon. Friend the Secretary of State for Children, Schools and Families gave evidence on child poverty to the Select Committee, and next Monday the House will consider the Children and Young Persons Bill. That is a stark contrast to what happened under the Conservative Government, when there was a relentless increase in the number of children being brought up in poverty. I therefore regard the concern expressed by the right hon. Lady to be entirely phoney—as with so many of the issues that she raises.

The shadow Leader of the House asked about rape crisis centres. It might be a good idea if I had a further discussion with my right hon. Friends the Secretaries of State for Justice and for the Home Department, after which I shall write to the right hon. Lady with an update on where we have got with the extra funds that have been made available for distribution to rape crisis centres. I shall place a copy of that letter in the House of Commons Library.

As for the financial situation, I think that we all acknowledge that it is difficult, both in this country and internationally. We will take action at national and international level, make sure that we support the resilience of the economy and focus on what we can do to help family finances.

The right hon. Lady made what I think was intended as a joke about fuel supply, in respect of the tanker drivers' industrial dispute. It is a serious issue and it is important to state two things. First, it is important that people do not fill their tanks more quickly than they would otherwise, thereby creating a problem of supply in petrol stations. Secondly, we express our hope that the two sides in the dispute will come together and reach an agreement swiftly.

Mary Creagh (Wakefield) (Lab): Last summer, the Law Commission recommended reform of the law relating to cohabiting couples to avoid expensive and protracted court cases after the breakdown of a relationship. In March this year, the Ministry of Justice announced in a written ministerial statement that it would not change the law but that it would await the results of the introduction of the law in Scotland. Will my right hon. and learned Friend urgently hold a meeting with me to discuss that decision with Resolution, the family law representative body, and the Ministry of Justice to see what we can do to speed up reform to avoid thousands of people being left destitute each year when their relationship breaks up?

Ms Harman: May I suggest that my hon. Friend has a prompt meeting on that important issue with the Secretary of State for Justice? I undertake to arrange that as soon as possible. My hon. Friend has raised the issue consistently over a number of years. I welcome her back to the House after her maternity leave, and congratulate her on a truly gorgeous baby.

Simon Hughes (North Southwark and Bermondsey) (LD): I join the Leader of the House and the Conservative shadow Leader of the House in their tributes to our troops in Afghanistan. Many of our constituencies have seen people go to fight there, and we know the risks. Many of them have made the supreme sacrifice. We are proud of them.

On the matters the Leader of the House announced, will she—before the debate in the name of the Democratic Unionist party—put in the Library a record of all the meetings between Ministers and DUP Members since the Easter break, to save us all having to spend lots of public money on freedom of information exercises? We will then know exactly when the meetings happened, with whom and on what subject.

On the announcement about the next Queen's Speech, can the Leader of the House confirm that the date for the new Session of Parliament is extraordinarily late? Is it not probably the latest start in normal times ever—certainly for the past 25 years? If so, is it an indication that the Government anticipate considerable difficulty

in dealing with their legislation after the summer break? In that context, what is now the expected time in the Government's programme for Royal Assent to the Counter-Terrorism Bill?

May we have a debate on relations between the UK and China? I have asked for one before, and it is obviously more and more important as the Olympic games come down the track. I hope that the Government will accept that it is important that the debate happens before the summer break.

Linked to a question put by the right hon. Member for Maidenhead (Mrs. May), may we have a debate on what is clearly the continuing widening gap between the rich and the poor? When I put to the Chancellor that the gap is now evidenced by the statistics, he refused to confirm or deny it, but the statistics are clear. I hope that the Labour party is still committed to narrowing the gap between the rich and the poor, so can we debate on why that is not happening?

Alistair Burt (North-East Bedfordshire) (Con): No, it is not.

Simon Hughes: If it is not, why not? It used to be. That may be why the Labour party is not as popular with its core supporters as it was in the past.

On internal House business, the Leader of the House obviously has plans to put to the House proposals for Members' pay, pensions and allowances. I understood that Sir John Baker was due to report to the Government in May, although we have heard nothing of his report. May I assume that he did report in May and that the report is ready? If so, can it be published now and will the Leader of the House confirm—specifically following the comments made yesterday by the Chairman of the Committee on Standards in Public Life—that whatever view the Members Estimate Committee comes to, an independent body of authority will confirm that it is acceptable not just to Mr. Speaker and Members of the House, but to those who monitor the public interest outside this place, so that we are not in the embarrassing position of the House deciding on something that is immediately thought inappropriate by those outside who look after standards of public life?

Ms Harman: On the point about meetings between Ministers and others, there are processes, by way of parliamentary questions, whereby information can be elicited. Such questions should be answered promptly and accurately, and a similar process applies with freedom of information requests. There are processes for asking about meetings that have taken place and what happened at them. The hon. Gentleman knows that civil servants are not present at all meetings with Ministers.

Mike Penning (Hemel Hempstead) (Con): Why not?

Ms Harman: The hon. Member for North Southwark and Bermondsey (Simon Hughes), like all Members, will have been in meetings with Ministers where civil servants have not been present.

The hon. Gentleman asked whether the date on which this year's debate on the Queen's Speech will be the latest ever. No, it will not be. In 2000, it took place on 6 December, so this year's date is not the latest. He also asked when the Counter-Terrorism Bill will receive Royal Assent. There are very important measures on that most important of issues, and I hope that the Bill will go through the House of Lords, return to this House and receive Royal Assent promptly. Of course, we want it to have proper scrutiny, but we also want to ensure that those important new laws are on the statute book.

The hon. Gentleman asked about UK relations with China. There is an opportunity for him and other Members to raise further points when Foreign Office Ministers take oral questions on 24 June.

The hon. Gentleman also raised the question of the gap between the rich and poor. Of course, we remain committed to a more equal society and to narrowing the gap between rich and poor. If he looks at our public service agreements, which embody the objectives for work that takes place throughout Departments, he will see a number of PSAs that require action throughout the Government to narrow the gap between rich and poor in relation to educational and health outcomes and to income. *[Interruption.]* The right hon. Member for Maidenhead (Mrs. May) says, "It's not working." I just ask her to look at the relentless and growing trend of inequality between rich and poor and the growing number of poor people under the Government of whom she was a Member. I am prepared to—*[Interruption.]* At least the hon. Member for North Southwark and Bermondsey (Simon Hughes) has been consistent on the issue. I am happy to answer his question, but I shall move swiftly on to Sir John Baker's report.

Sir John has reported and I strongly thank him for the work that he has undertaken at the request of the House. Our resolution on 24 May asked him to look into the question of MPs' pay. On the question of publication and debate, we are committed to debating the Baker report and to making decisions about an independent mechanism for reviewing pay, including a new comparator. We have made a commitment that the House will have an opportunity to debate these issues and to make decisions before the House rises for the summer recess. We are determined that the report should be published in enough time to give Members time to consider it and to propose any amendments that they would like to make to it.

Bearing in mind, however, that we also aim to debate the report on allowances from Mr. Speaker and the Members Estimate Committee, we thought it would be convenient for the House to debate that report at the same time as the Baker review—on the same day—so that the House could deal with all the issues at once. As we would like the reports to be debated on the same day, it would also be convenient for the House if we published the MEC and Baker reports on the same day. That is our objective. It might not prove possible, but in any event, we will go ahead and publish the Baker review to ensure that Members have enough time to consider it and to produce their amendments.

The hon. Member for North Southwark and Bermondsey asked about independent scrutiny of the Members Estimate Committee's proposals to the House. That has been the subject of much debate within the Committee—particularly among the three Committee members to whom the whole House owes much for the great deal of work that they have done. They have consulted Members, and the question is how we ensure that we have not only the right structure to pay for our offices, travel and London accommodation, but proper

[Ms Harman]

investigation systems, so that any misuse of those structures and any abuse of the system can be rooted out. Members have been debating that point with MEC members, and there has been discussion with the National Audit Office. The proposals will then return to the House. Once the MEC report is published, everybody, including the Committee on Standards and Privileges, will be able to look at it, and then it will come back to the House for a full debate and a decision.

Mr. David Winnick (Walsall, North) (Lab): As someone who, needless to say, is very pleased that the Labour party has been in office for 11 years, and who certainly wants to avoid the nightmare of a Tory Government, may I ask whether the Cabinet should not carefully consider whether it is wise to go ahead with the 42-days measure, knowing that the Lords will certainly reject it and that there will then be ping-pong between the two Chambers? Perhaps a statement could be made at some stage. Should not we all be united against the terrorist danger instead of having controversial and divisive measures that serve no purpose at all?

Ms Harman: I agree with my hon. Friend that we should be united against the terrorist danger. The Government are determined to ensure the safety of the British people as well as to protect civil liberties. It was on that basis that we put our Counter-Terrorism Bill before the House. It was accepted last night and it will go through the proper processes of debate.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): The right hon. and learned Lady is aware that the Government have made proposals to allow money to be spent on swimming and on swimming pools. That is to be welcomed—to tackle obesity and for many other reasons. However, in Minehead in west Somerset, we have had to lose our only public pool, for two reasons: first, the building is unfortunately not up to the job that it is meant to do; and secondly, the district council—which is under no overall control, so there is no political gain from my question—has neither the money nor the ability to reopen the pool in the near future. The Government quite rightly want to encourage people to swim and older people to continue to swim, yet for reasons outside our control we cannot do so. Therefore, would it be possible to have a debate about that issue, which is important not only to my constituency, but, I suspect, to many others throughout the United Kingdom?

Ms Harman: There has been a substantial increase in central Government funding to local authorities, but the hon. Gentleman raises a point about swimming which is very important. Swimming is part of a major programme and we want to ensure that it can take place in all areas, so I suggest that he seeks a meeting between himself, his local council and the Department for Culture, Media and Sport.

Clive Efford (Eltham) (Lab): My right hon. and learned Friend will be aware that there was some coverage about the topical debate on knife crime last week. By their very nature, topical debates are important to our constituents, but the debates have a problem, because, often, not many Members can participate in them, hence the coverage that last week's debate generated. Will she consider reviewing how we arrange topical debates so that more Members can participate and so that the media cannot distort what goes on in the House by suggesting that Members on both sides of the House are not in tune with what goes on in their constituencies, or do not share their constituents' concerns?

Ms Harman: My hon. Friend makes a very important point about topical debates. He is a champion of work against antisocial behaviour and criminality in his local community. I confirm to him and the House that we are reviewing the operation of topical debates, which have only recently been introduced. Several points have been raised, including not only how we choose the topic, but at what time during the week the debates take place. I shall report to the House before the summer recess. The question of the day on which they are held is under close review.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Government continue to reject the call for compensation for veterans who suffered as a result of their participation in the British nuclear weapons tests in the Indian and Pacific oceans in the 1950s. Instead of paying expensive lawyers to defend the indefensible, could we have a debate on the Floor of the House so that we can hear Ministers' reasons for continuing to refuse that group of ex-servicemen the apology that they so obviously deserve?

Ms Harman: The Secretary of State for Defence and his team of Ministers will be answering oral questions on Monday; I suggest that the hon. Gentleman raises that issue then.

Laura Moffatt (Crawley) (Lab): Does my right hon. and learned Friend agree that the horrible events at her family home at the weekend were a timely reminder to all Members that to confuse openness about our expenses—something that I thoroughly support—with the exposure of addresses of Members of Parliament is a mistake, and one that we should absolutely resist?

Ms Harman: My hon. Friend makes an important point. Of course we want to make sure that public money is properly spent and that we are open with the public about how it is spent. However, the question of the publication of Members' addresses raises an issue that is fundamental to the role of hon. Members in this House. No Member should have to make a choice between saying in the House what they believe to be right, and fearing for their and their family's safety because of the publication of their home address. We will defend the right of all hon. Members to speak openly. That means that, while we are open about public spending, we do not put the addresses of hon. Members' London homes in the public domain.

Dr. Andrew Murrison (Westbury) (Con): Last week the Leader of the House indicated, but understandably could not confirm, that there would be no rule change that would have the effect of allowing the disposal of defence estates to accrue to devolved Parliaments and Assemblies. Since then we have had last night's important vote and the rumours surrounding it. Will the right hon. and learned Lady arrange for the Chancellor to

rule out categorically any Treasury rule change that, whatever the merits of increased spending in Northern Ireland, would have the effect of a defence cut?

Ms Harman: Treasury questions are not until 10 July, but the hon. Gentleman may find an opportunity to make his points in the Democratic Unionist party Opposition day debate or the defence procurement debate, which takes place on Thursday next week.

Mr. Paul Truswell (Pudsey) (Lab): My right hon. and learned Friend will be aware that later this afternoon we will discuss opposed private business relating to the control of illegal street trading, including that of peddlers. I appreciate that my hon. Friend the Member for Bolton, South-East (Dr. Iddon) has pursued my right hon. and learned Friend assiduously on the issue, but I make no apologies for joining the hue and cry.

Given that the measures enjoy cross-party support and that councils and the police are having to put huge amounts of time and effort into tackling these issues, as well as lobbying us in this House, and given the time that we Members spend on the issue, is it not time for the Government to provide at least a legal framework that gives councils the discretion to introduce the powers when they think they are necessary, to protect local consumers and legal traders?

Ms Harman: My hon. Friend makes an important point, which I am sure will be amplified in the debate later and considered closely by my colleagues at the Department for Communities and Local Government.

Sir Nicholas Winterton (Macclesfield) (Con): I thank the Leader of the House for arranging a debate on Zimbabwe, although I am a little saddened that it will come after the rerun of the presidential election in that country and that we are not able to emphasise the importance of a large number of election observers there to see that the election is free and fair.

I have a question for the Leader of the House about future business. Will she produce a report for the House to consider on the processes of programming and selecting topical debates? I believe that there is a requirement on both sides of the House for those processes to be reviewed, and I hope that a review of both will be announced by the Leader of the House in the relatively near future.

Ms Harman: I am glad that the hon. Gentleman has welcomed the fact that I intend the House to debate Zimbabwe on 3 July. I know that he was able to make the points that he so often makes in the House at a meeting earlier this week with Lord Malloch-Brown, who briefed hon. Members and Members of the House of Lords on Zimbabwe. I know that Lord Malloch-Brown found it useful to hear from the hon. Gentleman, who has a long-standing interest in Zimbabwe.

The hon. Gentleman will know that programming was considered in detail by the Modernisation Committee, which reported on it in 2006; there is no reason to look again at the issue now. As far as topical debates are concerned, the hon. Gentleman will know that we are reviewing their operation. There is still an opportunity to make points to that review before I make my report, which will happen before the House rises in the summer.

Mr. Elliot Morley (Scunthorpe) (Lab): I welcome the fact that there is to be a debate on polyclinics next Tuesday. Will my right hon. and learned Friend advise me whether it would be in order to refer to the British Medical Association petition presented to No. 10? I am sure that many people, including my constituents, were misled into signing that petition because they were told that general practices, particularly in rural areas, would close as a result of the changes. My hon. Friend the Member for Brigg and Goole (Mr. Cawsey) and I met the North Lincolnshire primary care trust representatives, who said categorically that the funding for the new clinic in Scunthorpe is additional and that not a single practice is under threat. Will it be in order to emphasise that point in that debate?

Ms Harman: It certainly will be. We are pleased that the Opposition have chosen the issue of polyclinics and GP services for the Opposition day debate. My right hon. Friend is absolutely right to point out that people are very concerned about primary care services. It is important that they should not be subjected to misinformation; that issue particularly concerns vulnerable and elderly people.

My right hon. Friend is right—we are talking about new, additional money. Some £250 million was announced last autumn for new GP-led health centres in every PCT area; that comes on top of the existing GP provision. Furthermore, there will be additional, new GP surgeries in the most deprived areas. That situation is different from that in London, where there was a long-term review, with a proposal for polyclinics that is the subject of discussion by PCTs in London today. My right hon. Friend is right: we are not imposing anything anywhere. We are, however, demanding high standards, greater access and good premises. We are supporting that with more funds and higher pay, and next Tuesday there will be not only an Opposition day debate but oral questions.

Mike Penning (Hemel Hempstead) (Con): May we have a debate in Government time about compensation for members of our armed forces who have been injured in action? I know that the Ministry of Defence is currently reviewing the amount and type of compensation given to our brave servicemen and women. However, before that is put into practice, may we have a debate on the Floor of the House so that hon. Members can say how we feel our servicemen and women should be treated if they are injured?

Ms Harman: The hon. Gentleman will have an opportunity shortly to raise that issue in MOD questions; in the meantime, I shall draw it to the attention of my right hon. and hon. Friends at the Ministry of Defence.

Mr. Ian Cawsey (Brigg and Goole) (Lab): Following on from the previous question, my right hon. and learned Friend will no doubt be aware of comments about pay and conditions for our military. The Prime Minister announced that there would be a White Paper to consider that issue and the military covenant, on which the Royal British Legion has been campaigning for some time. Will my right hon. and learned Friend assure me that when that White Paper is published, the House will have an opportunity to discuss it so that we long-term supporters of the covenant will get the chance to have our say?

Ms Harman: My hon. Friend reflects concern across the House on those issues. I will make sure that when the White Paper is forthcoming, we consider opportunities for it to be presented to and debated in the House.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): May I ask the Leader of the House whether the Northern Ireland Secretary will make a statement early next week on the financial and other implications of the agreement made yesterday with representatives of Northern Ireland constituencies? It is quite plain that, aside from the pressure exercised on Labour Back Benchers, an awful lot of English pork is being shovelled into a very large Northern Irish barrel. We have a right to know something about the detail of that so that we can judge the propriety—I use my words carefully—of the influences that were brought to bear.

Ms Harman: Like everyone in the whole House, the Government remain committed to peace and prosperity in Northern Ireland. That is the work to which the Government, the Secretary of State for Northern Ireland and his team of Ministers are committed. I deplore the smears and disgraceful slurs and allegations that the right hon. and learned Gentleman has made. He ought to know better.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): A number of hon. Members, including me, have been raising various issues related to the beauty industry—issues ranging from nail bars to tattooing and tanning salons. We have been expressing our concern about the health aspects. There is a problem, however, in that the matter crosses a number of areas—the health of customers, the occupational health of employees, trading standards and the licensing systems of local government. Will the Leader of the House consider how the House could look at all those different aspects of the beauty industry together, rather than our having to try to pick them off one by one?

Ms Harman: My hon. Friend makes a very important point, and I would add the Department of Health to the list of Departments concerned. Sometimes, the people receiving such so-called beauty treatments end up with their health being jeopardised. Perhaps I might have a meeting with my hon. Friend to discuss how we could take the issue forward so that the House can be given the opportunity to debate it, and so that we can bring together ministerial action on the issue.

Mr. Alan Reid (Argyll and Bute) (LD): May we have an urgent debate on the proposals of Her Majesty's Revenue and Customs to slash the number of tax offices, and close all three in my constituency? The proposals would mean that my constituents would have to travel long distances for a face-to-face meeting with a tax inspector—over 100 miles in some cases. They also mean the loss of an awful lot of experienced tax inspectors. That is no way to run a fair and efficient tax collection service. The proposals should be withdrawn.

Ms Harman: We want to make sure that HMRC operates as efficiently as possible, and that administration costs are kept to a minimum. More and more people are dealing with their tax matters online, but there is still an important role for face-to-face meetings, which the hon. Gentleman mentions. In respect of his constituency, I suggest that he seek an Adjournment debate on the matter.

Andrew Gwynne (Denton and Reddish) (Lab): In 2008, is it not appalling that sports and social clubs in my constituency still can, and do, discriminate on grounds of sex? Is it not about time that we had a debate on the subject in the House, with particular reference to mixed clubs that treat male members differently from female members, so that we can discuss how to bring about more equality in sports and social clubs?

Ms Harman: I welcome my hon. Friend's commitment to equality, which I share. He will know, as the right hon. Member for Maidenhead (Mrs. May) and other Members in the House do, that we will bring forward an equality Bill. Later this month, I hope to be able to set out to the House what the Bill's provisions will be, but I can say that the Bill will ensure that clubs that offer membership to both women and men will no longer be able to discriminate against women; they will have to treat men and women equally.

Mr. Bernard Jenkin (North Essex) (Con): May I press the Leader of the House a little further on the question of statements from the Prime Minister on the strategy for Afghanistan, as did my right hon. Friend the shadow Leader of the House? We last had such a statement on 12 December, which is nearly six months ago. On that occasion, the Prime Minister gave us the broad strategy for winning Afghanistan in the long term, but since then I have obtained a paper from the Foreign Office, which I will place on my website this afternoon, and which demonstrates that things are not going according to plan. We are winning militarily, but we are in big trouble strategically. Only if the Prime Minister shows real leadership on the issue, and explains time and again to the British people and the international community what we are trying to achieve there, will we succeed. Will he show that leadership by making a statement to the House?

Ms Harman: I do not accept that we are in big trouble strategically. There is international action, in which we are joining together with other countries. The hon. Gentleman may know that there is a Westminster Hall debate on Afghanistan next Tuesday. However, I know that there is concern on the issue across the House, and I will consider how we can find an opportunity to debate fully the important work of our troops, and those from other countries, in Afghanistan.

Mrs. Ann Cryer (Keighley) (Lab): May we have a debate on the recent proposals to give additional money to carers to access respite care? Those carers will take up that money only if they can be assured of good quality care in residential homes. The excellent series on the Radio 4 "Today" programme last week on residential homes did not do anything to inspire confidence on the issue.

Ms Harman: The series of programmes to which my hon. Friend refers—I agree that they were excellent—put the spotlight on an issue of growing concern. Over the next 20 years, the number of people aged over 85 is set to double. We are all concerned to make sure that those

in residential or nursing homes have the best institutional care, and that those who are with their families are able properly to be supported by them, and that includes respite care. I will bring my hon. Friend's points to the attention of my right hon. and hon. Friends in the Department of Health, and to the commission that the Government have set up to advise us on those important issues.

Mr. David Gauke (South-West Hertfordshire) (Con): May we please have a statement on Government policy on Cuba? I know that the Leader of the House considers Fidel Castro something of a hero, and she may be pleased that it is reported this morning that Government policy on sanctions against Cuba may be changed as a consequence of buying off a couple of rebels on the 42-day detention vote. How does she think our allies will view foreign policy if our policy on Cuba is to be changed as part of a grubby deal to buy off a few Labour Back Benchers who are sympathetic to left-wing dictators?

Ms Harman: Fortunately, I think I can rest assured that our allies will take no notice of the sort of points that the hon. Gentleman raised, and neither will I.

HMS Tireless

2.16 pm

The Minister for the Armed Forces (Mr. Bob Ainsworth): I should like to inform the House of the outcome of the board of inquiry on the incident on board HMS Tireless in March last year, in which two members of the Royal Navy—Leading Operator Maintainer Paul McCann and Operator Maintainer Anthony Huntrod—tragically lost their lives. Another member was seriously injured. Uppermost in our minds and, I am sure, the thoughts of the whole House are the families and friends of those killed and injured, to whom I would like to reiterate our deepest sympathy at this very difficult time.

My right hon. Friend the Secretary of State for Defence felt that the House should be informed of the outcome at the earliest opportunity because of the tragic nature of the incident, and because it is clear that the Ministry of Defence must bear responsibility for it. Indeed, the Secretary of State would have preferred to have made the statement personally. However, the need to complete the work required to release the board of inquiry, the commitments of the families and his need to attend a NATO meeting of Defence Ministers, at which important issues relating to operations in Afghanistan and Kosovo will be discussed, made that impossible. In those circumstances, I hope the House will understand his asking me to make this statement.

I would like to pay tribute to the very high levels of professionalism shown by all those involved in the incident on HMS Tireless, which, as revealed by the board of inquiry, should serve to reinforce our confidence in the willingness and ability of our armed forces to uphold the highest standards of behaviour and display extraordinary bravery in life-threatening situations. This is something of which we should all—especially the families—be justifiably proud.

The House will know that the purpose of a board of inquiry is to establish the circumstances of an incident and to learn lessons from it to prevent a similar incident from occurring. A board of inquiry does not seek to apportion blame. We have done everything that we can to establish the causes of the incident, so that we may learn the lessons from it. Running parallel to the board of inquiry, which was extremely thorough, there has been a full investigation carried out by a police taskforce, led by the Royal Navy police special investigations branch. That comprised military investigators and civilian detectives, and was assisted by the UK Forensic Explosives Laboratory and NASA in the USA. Those highly experienced investigators independently investigated the incident, and their findings are consistent with those of the board of inquiry.

The board of inquiry set out the background to an explosion in the forward escape compartment of HMS Tireless on 21 March 2007, while she was undertaking an exercise under the ice near north Alaska. The explosion caused the death of two of the ship's company and filled the forward end of the submarine with smoke. Small fires followed the explosion which, had they taken hold and a major conflagration ensued, would have had even more serious consequences. Instead, however, the extensive training and preparation undertaken by all submariners proved their worth, and owing to the professional conduct of the ship's company, and in

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particular the stamina and presence of mind of one member, who was already seriously injured, the incident was rapidly contained. The integrity of the submarine and the power plant remained secure at all times.

The board concluded that the explosion was caused by a self-contained oxygen generator—a SCOG—which had been wholly appropriately activated by one of those who lost their lives. It has not been possible to determine beyond doubt what caused the oxygen generator to explode. However, the board did identify the most likely cause as significant internal contamination of the generator's canister with oil, probably enabled by cracking within the canister solids. Organic contaminants are a known hazard for these oxygen generators, which are manufactured with protective seals, but cracking had not been previously identified as a contributing risk factor. In the event, the board was not able to establish how any contamination occurred, but oil would certainly have been present in the submarine environment, and this, it says, is the most likely cause of the contamination.

The board of inquiry has exposed an inadequate appreciation of the risks of contamination and a number of shortcomings in the logistic handling of these generators. The shortcomings identified include SCOGs being left, unprotected, on the dockside and SCOGs being stowed on board submarines in a manner that left them at risk of contamination. The board of inquiry also found that there were a number of SCOGs that had previously been earmarked to be taken out of service which were returned for use on submarines. This was achieved by changing the paperwork. The board established that it could not be known for certain whether any of these SCOGs subsequently ended up on HMS Tireless.

These events are unacceptable and it is clear from the board of inquiry, and other work to date, that the Ministry of Defence must accept responsibility for what happened. My right hon. Friend the Secretary of State and I therefore consider that it is right for me to apologise unreservedly, on behalf of the Department, for the actions or omissions that contributed to this tragic incident. I am extremely sorry, particularly to the families of those who lost their lives, and to those who were injured.

We have already investigated whether any of the shortcomings were such that criminal negligence was involved. The Crown Prosecution Service has advised that the evidence does not support a prosecution, although it directed that the Health and Safety Executive must be made aware of the findings. This has been done and the Health and Safety Executive will now examine the reports and recommendations and see whether an investigation is required under its own powers.

In addition, the Defence Equipment and Support organisation is carrying out a detailed investigation into the acquisition, manufacture, storage, submarine stowage and logistic management of SCOGs, to ensure that any further lessons are identified. Given that ongoing investigation, the House will understand that at this stage it would not be right for me to comment in detail on issues that remain the subject of an investigation.

We have taken urgent action to seek to ensure that there is no recurrence of this tragedy. All the board of inquiry's recommendations have been accepted and have been, or are being, implemented. In addition, we put action in hand immediately after the accident to minimise the risk associated with oxygen generators. Their use has been tightly restricted to an emergency-only basis since the incident. These emergency oxygen generators are stowed separately and handled less frequently on board a submarine than those that were assigned for routine use.

All emergency oxygen generators have been inspected for any signs of damage or possible contamination since the incident. This is to ensure that risks are minimised, should oxygen need to be generated in the unlikely event of an emergency situation. Developments have already been made to upgrade the design of the canisters further to reduce risks, and we have already started to replace the emergency stocks with an upgraded design. We are also working towards developing an alternative solution to meet future operational requirements.

It will never be possible to eliminate every risk to those who serve our country in our armed forces so selflessly, but I can assure the House that my right hon. Friend and I do and will continue to do everything we can to minimise those risks wherever possible. I will make copies of the board of inquiry report available in the Library of the House. Action continues to implement its recommendations. I will update the House as further developments emerge.

Dr. Julian Lewis (New Forest, East) (Con): I begin by thanking the Minister for advance sight of his statement and of the board of inquiry report. That is a long, detailed and thorough document which does not pull its punches. It is not surprising that it took longer than the originally anticipated four months to complete, but can the Minister explain why it has taken fully 15 months to complete, for the information not only of the House but above all for the families of those who lost their lives?

Paragraph 15 of the report states:

"Despite careful handling within service channels, the story broke in the media before all the next of kin had been informed and before . . . staff had been able to contact the next of kin of the remainder of Tireless's crew."

Can the Minister throw light on how that happened, and explain to the House what safeguards have been agreed with the media on not reporting military fatalities before the families have been told, and whether such safeguards were flouted on this occasion?

The report concludes:

"If it had not been for the outstanding efforts of"

the third crew member, the one who was injured,

"the consequences of this incident may have been much worse".

In the light of that, does the Minister wish to revise the statement by a Ministry of Defence source, reported on 22 March 2007—two days after the incident—that

"the vessel was never in any danger"?

Also reported early last year, soon after the incident occurred, was the tribute paid by Commander Breckenridge, the commanding officer of the submarine, to the crew member who was

"injured by the initial blast and thrown to the deck . . . recovered himself despite his injuries, placed an emergency breathing mask on his face and, in complete darkness and zero visibility due to the smoke, extinguished the numerous small fires in the compartment and allowed access to the fire-fighting and medical teams."

The report reveals that owing to the buckling of the bulkhead doors, it took 44 minutes before anyone was

able to get into the compartment, and the conditions in which that seaman was operating can barely be imagined.

The injured submariner who is reported to have acted so heroically has not been named in the report. I wonder why that is. Is he one of the seven submariners who have been honoured with their commander-in-chief's commendation so far? Is he to be separately honoured? If he cannot be named for security reasons, does the Minister agree that that should not prevent his bravery being appropriately rewarded?

Turning to the self-contained oxygen generators, I understand that these have been fitted in Trafalgar class submarines since 2001. Will the Minister tell us whether they have also been fitted to the Vanguard class submarines that carry the nuclear deterrent; if so, what is the status of such SCOGs on these particularly important vessels in the Royal Navy?

We understand that, on this occasion, the accident occurred some distance away from the nuclear reactor in the submarine, but are SCOGs fitted to other parts of the submarine that are closer to the nuclear reactor? How near was the explosion to the cruise missiles—conventionally armed cruise missiles, which are the standard main armament of Trafalgar class submarines such as HMS Tireless—and how near was it to other explosive hardware carried by the submarine? Are there any other combustible products deployed on Her Majesty's submarines similar to SCOGs to which similarly lax procedures as described by the Minister have applied?

The report identifies

"shortcomings in the acquisition, manufacture, transport, storage, stowage and logistics management of SCOGs".

In detail, the recommendations state that

"The existing population... should be withdrawn from service"—

the Minister has given us an update on that—but they also draw attention to the fact that

"MoD-approved quality control checks and acceptance processes"

should be

"introduced to ensure that the manufacturer supplies sodium chlorate candles that are free from contamination and physical damage."

Will the Minister explain why those checks were not carried out previously? The report also emphasises:

"Logistics management for the SCOG replacement must ensure that guidance is clear about when the equipment is to be designated unserviceable".

It seems inexplicable and unacceptable that no passed sell-by date was clearly applied to these combustible products—probably with fatal consequences for the two sailors.

The report states:

"Sufficient approved stowages should be identified",

which suggests that there were not enough stowages for those dangerous products in the submarines, so I would be grateful if the Minister updated us on that point. If, as I have already alluded to, the bulkhead doors jammed shut, that is really a design fault that I would not have thought could happen in a modern nuclear-powered submarine.

Significant sections of the report have been redacted, perhaps out of consideration for the families. Is the Minister satisfied that the arrangements made for the return of the deceased to the United Kingdom were handled correctly?

Finally, I would like to say that the tributes to the two young men have shown what outstanding personalities they were. Paul McCann, from Halesowen, was a keen sportsman with an inspirational personality, who was about to leave the service to marry his American fiancée last August. Tony Huntrod from Sunderland was a live wire with great charm and a fine sense of humour. They both join the roll of more than 5,000 submariners commemorated in the constituency of my hon. Friend the Member for Gosport (Peter Viggers). We should all be very proud of them and very grateful to them and their families.

Mr. Ainsworth: I shall try to answer as many of the hon. Gentleman's questions as I can. The report took 15 months to complete. We have been everywhere in the effort to understand the detail of what happened. When I first approached the matter without knowing the detail, I wondered why it was taking so long and I was worried about the impact on the families. We went all the way, however, and even involved NASA—these vessels and the expertise associated with them are associated with the space programme—in order to understand all the ramifications. In the circumstances, I am sure that everyone would agree that thoroughness was more important than timeliness, although it is indeed unfortunate that these things take as long as they do.

We struggled to make contact with the families, and it took longer than it should have done. Record keeping was part of the difficulty. None the less, that does not excuse the media behaving as they did. I wish that they always honoured—they often do—our kin-informing processes. We should all encourage them to do so, not only because of the distress caused to the individuals concerned, but because of the worry caused to the whole of the rest of the fleet in this case, or to our people on operations in other cases.

On whether the vessel was in any danger, I am assured that it was not, but that does not detract from the fact that the conflagration could have been far worse had it not been for the actions of one particular individual. As I said, he was injured at the time, yet he struggled on and did a magnificent job. He has not been named because the wishes of that individual must be paramount over the views of anybody else. It is up to the individual himself how he wants to handle this.

The problem was not, contrary to what has been reported, the jamming of the bulkhead door; it was another door into the compartment that jammed and took 40-odd minutes to get open. That door has been replaced by a mesh door, which will now be rolled out throughout the fleet. The board of inquiry exposed other issues about the adequacy of the equipment on board to break into the compartment in an emergency. That is being looked at and the recommendations are being implemented.

On whether there are other combustibles, I cannot give the hon. Gentleman an answer. I will look into it and come back to him as soon as I am able.

On whether the SCOGs were beyond their sell-by date, they have a 15-year life expectancy and the Navy imposes a 10-year life expectancy in order to put some redundancy into the position. These SCOGs were introduced only in 2003, so the sell-by date of the equipment is not an issue here, although I have said yes about other serious issues.

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Stowage on board submarines was one of the issues flagged up. The generators for emergency use are stowed in different circumstances in different conditions and are not moved on and off submarines, so they are in good condition. As I have already said, they were all inspected. The generators used to add to the oxygen requirements, however, are routinely removed from submarines and have not been stowed on submarines where they would be safe from contamination from oil.

There were issues about the handling of the bodies which have caused great distress to the families concerned. I do not wish to go into further detail on that, although there are lessons to be learned. I have discussed the matter privately, as has the Chief of the Naval Staff, with the families.

Bill Etherington (Sunderland, North) (Lab): It goes without saying that no one gets any joy out of speaking in such a harrowing debate as this one. I join my right hon. Friend the Minister in expressing condolences to both the families of the deceased. I have dealt with one of the families—that of the late Mr. Huntrod—and I would like to place on record my great appreciation of the courtesy and caring attitude of the Minister in his dealings with my office. I thank him most sincerely.

Mr. Ainsworth: I thank my hon. Friend, who has done his job as a constituency Member of Parliament. It is only right that he should be served properly by a Minister in these circumstances.

Nick Harvey (North Devon) (LD): I thank the Minister for making the statement today, giving an unreserved apology and accepting the Ministry's responsibility for what has gone wrong. When there is a responsibility of that sort, it is right to accept it, and I commend him for doing that today. I also pay tribute to Paul McCann and Anthony Huntrod, and echo the condolences that have been offered to their families.

I know from having been on board a Royal Navy submarine that the culture of safety is paramount in everyone's mind. I welcome the assurances that we have been given that neither the vessel nor the nuclear power plant was at any point endangered, even if that was, in some sense, down to the heroic actions of one individual.

I have not had access to the report, only the statement, for which I thank the Minister. He talked at considerable length about the oxygen generators and has described the measures that will be taken to try to ensure that the problem does not arise again. I would like to ask him about a slightly separate matter. Ever since the incident, accounts have emerged that it happened close to some of the sleeping quarters on board the submarine, that members of the crew emerged from their sleep, in understandably minimal clothing, into a smoky and hot atmosphere, and that adequate supplies of breathing equipment and points to plug it into and fire-retardant clothing were not available.

Those shortcomings, as well as the points that the hon. Member for New Forest, East (Dr. Lewis) made about the lack of next-of-kin information being readily available, cause me some surprise, as they both seem fairly basic. I would welcome from the Minister an acknowledgement that such problems have been identified and a description of what steps will be taken to remedy what sound like fairly straightforward but rather important shortcomings, both on the Tireless and any other vessel.

Mr. Ainsworth: I apologise to the hon. Gentleman: it was certainly my intention that he, like the official Opposition spokesman and the Chairman of the Defence Committee, receive the board of inquiry document along with a copy of my statement. If that has not happened, I can only apologise to him. He will be able to get a copy of the document from the Library, although I appreciate that it is now too late.

The hon. Gentleman raised issues relating to sleeping quarters that are covered in the board of inquiry report. There are sleeping facilities in every part of our submarines—submarines are not endowed with a great deal of space, as anyone can see when they go on board. Yes, there were issues. There is an emergency oxygen capability, which it seems some members of the crew did not use: the issue there is their confidence in those emergency provisions. There are also plug-in oxygen providers: we need to increase the number of access points, as the board of inquiry has proposed, in order to prevent delays in accessing that second safety measure in good order and good time. The hon. Gentleman can see those matters set out in the board of inquiry document. I can only apologise again for his not receiving it.

On next-of-kin informing, we took longer to get to people than we should have. We went to addresses that proved to be incorrect, which caused distress. That is a problem, and we must try to do better.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I, too, thank my right hon. Friend for his full statement to the House. As others have said, uppermost in our minds must be the families. I was therefore pleased to hear my hon. Friend the Member for Sunderland, North (Bill Etherington), who has dealt with my right hon. Friend's office in connection with one of the families, say how sympathetic he has been.

We have also heard about how the submariners have been appropriately honoured. We in Devonport have a proud record of serving the Navy's submarines and service ships. However, I am deeply disturbed by the content of some of my right hon. Friend's statement, particularly in respect of the logistical management of such important items. I appreciate that he can say only a limited amount while the Health and Safety Executive and the Defence Export Services Organisation are looking into the situation. However, will he offer an assurance that the HSE will take a wide view of how such matters are handled? Many people who have worked in Devonport will be shocked by what has come out today. The whole community will want to know that the same thing cannot happen in any other aspect of logistic management, as well as the specifics of what he has reported today.

Mr. Ainsworth: My hon. Friend will find when she reads the board of inquiry report that it exposes the fact that in recent years some complacency in dealing with SCOGs appears to have crept in. SCOGs are not an integral part of the submarine, but they are a considerable item and there should have been a full appreciation of the dangers inherent in the equipment. We must understand that and in our internal investigation ensure that we leave no stone unturned in understanding what went

wrong. The HSE has jurisdiction in the workplace in the United Kingdom. It will do what it chooses to do, having received all the advice and information. We will of course fully co-operate with the HSE in any investigation that it might choose to hold. However, that is a matter for the HSE. I have no control over it, and rightly so.

Mr. James Arbuthnot (North-East Hampshire) (Con): Tributes have rightly been paid to the men who died and to the men who did so much to fight the fire. Does the Minister agree that the work that they were doing was no less important or inherently dangerous than the work that our men and women are doing on our behalf in Afghanistan, Iraq and elsewhere in the world, and that we should honour their memory and the sacrifice that they have made? The Minister said that there had been developments to upgrade the design of the canisters and to replace emergency stocks, and that the Ministry is developing an alternative solution to meet further operational requirements. What effect has that had on the deployability of our submarine fleet and how long will it be before the new arrangements are fully in place?

Mr. Ainsworth: The right hon. Gentleman asks us to do what we ought to do, which is recognise, first, that all submariners are special people to put themselves in such circumstances. The operation that Tireless was involved in, under the ice near the North Pole, is about as close as anyone can get to the cutting edge of capability, which we need to maintain. We must also appreciate the skill and bravery of all involved, not just those who were injured.

On capability, we have removed standard SCOGs from almost the entire fleet. Instructions have been given to use none at all, other than for an emergency. I am told that under-the-ice operations are still possible—SCOGs are a secondary oxygen-generation system. I am not sure whether our capability is effective at the margins—I would have thought that it is—but we are working to put in place a new system. The new SCOG, with improved resilience to damage, is already arriving, but it will be used to replace the emergency SCOGs. The new system that we are considering will be used as the back-up oxygen-generation system.

Mike Penning (Hemel Hempstead) (Con): As a humble former guardsman, I pay tribute to my former sister service. Those of us who have the honour of being friends of submariners or former submariners are not at all surprised that that very special breed of men were so brave in doing their duty. One particular brave man does not wish to be named, and that is typical of submariners.

One part of the Minister's statement worries me. Although he says rightly that nobody who serves in our armed forces can be guaranteed that they will not be injured or lose their life—they know that when they join; we all knew that—losing one's life to possible neglect or the fiddling of figures, which clearly took place in relation to the SCOGs, is a different matter. The Minister has said that he does not know whether those SCOGs were on the boat when it was on operations, but fiddling the figures and the documentation—for a reason that he has not told us, but that we can all assume is financial—seems astonishing. That is especially unfair to the families and loved ones of those who died, as the very honest report and very honest statement by the Minister have exposed.

The Minister says that the Crown Prosecution Services does not think that a prosecution could take place. Can he elaborate on why that is? Is it because there is insufficient evidence, or is there another reason—public interest, perhaps? Could not the MOD take a civil case against the contractors if they have been negligent in their duties?

Mr. Ainsworth: I understand the desire to do so, but we cannot jump to conclusions on blame. The question why those SCOGs were returned for use must be part of the investigation. We cannot scapegoat an individual without fully understanding the facts and waiting for the outcome of that investigation. We do not yet know what the circumstances were, and we need the investigation to find that out and expose any issues.

Mike Penning: You have had 14 months.

Mr. Ainsworth: We have not had 14 months. We have had an ongoing police investigation and board of inquiry, and one cannot pre-empt or interfere with a police investigation; one must wait for it to finish. The police investigation has examined whether there was criminal negligence on anyone's part. The Crown Prosecution Service has told us that there is not evidence to support a prosecution. The further inquiry might expose blame, but let us please wait for that inquiry before jumping to any conclusions.

Mr. Philip Hollobone (Kettering) (Con): Both the Minister and my hon. Friend the shadow Minister have rightly paid tribute not only to the crewmen who lost their lives but to the injured crewmen who bravely contained what could have been a far more serious incident. Patrolling under the ice is perhaps the most challenging environment for any submarine. In that regard, is it not heartening to note the comments of the commanding officer at the time with regard to his entire ship's company, who

"acted in a totally professional manner throughout, dealing with the incident calmly and to the highest standards you would expect of the service"?

Mr. Ainsworth: The uplifting parts to read of this deeply disappointing document are those that describe the incredible job that the ship's company did in tackling the incident. I am not the slightest bit surprised by that, having been the Minister for the Armed Forces for slightly less than a year, because I see that extraordinary state of mind displayed throughout the armed forces, and it was certainly displayed on that occasion.

Radioactive Waste

12.53 pm

The Secretary of State for Environment, Food and Rural Affairs (Hilary Benn): With your permission, Mr. Deputy Speaker, I would like to make a statement on the White Paper, "Managing Radioactive Waste Safely: a Framework for Implementing Geological Disposal", which I am publishing today.

The White Paper follows the work of the independent Committee on Radioactive Waste Management—CoRWM—which recommended in July 2006 that geological disposal, coupled with safe and secure interim storage, was the best approach to the long-term management of higher-activity radioactive waste. It also recommended a voluntarism and partnership approach as the best means of working with communities to help to identify a site for such a facility.

The Government accepted those recommendations and consulted on a framework for implementing geological disposal in June 2007. A summary of responses indicating support for the proposed approach, including on how the voluntary partnership approach would work alongside site screening and assessment criteria, was published in January this year. Today's White Paper confirms our approach.

We are therefore inviting communities to open up discussions with Government—without commitment—on the possibility of hosting such a geological disposal facility at some point in the future. To support that invitation, we have today opened a dedicated website, which can be accessed via the DEFRA website. I am also writing personally to every local authority in England to tell them about the invitation.

The House might wonder why communities should be interested in hosting a facility. A facility will not proceed unless it is safe, secure and environmentally acceptable. Its construction and operation will be a multi-billion pound, high-tech project, which would contribute greatly to the local economy, providing skilled employment for hundreds of people over many decades and bringing benefits for industry, infrastructure and local services. Many of those benefits would remain after the facility had been sealed.

In addition, any community that ultimately hosts a facility will fulfil an essential service to the nation and would expect the Government to ensure that the project contributes to its well-being. To that end, other benefits might be identified and developed through discussions between the community and the Government. Along with the Nuclear Decommissioning Authority, we want to talk to any community that might have an interest in that. Any such discussions would be exploratory and would carry no commitment to hosting a facility. We want to build trust.

Indeed, let me be clear that communities which open discussions with Government will not automatically end up hosting a facility. There will be clear decision points at which progress can be reviewed, with safety, environmental impact, cost, affordability and value for money taken into account before decisions are taken to move on. The final stage would involve the local decision-making authorities deciding to proceed so that the Government would make an informed decision on a preferred site.

The other issue is the waste itself. Discussions will need to take account of the amount and type of waste destined for disposal. We are today also publishing the latest UK radioactive waste inventory, which gives the current estimates of waste and other materials that could become waste in future. Estimates of the amount of waste will change over time as operational arrangements change and we find better ways of minimising waste. New nuclear power stations might also be built. We will therefore adopt a flexible approach to the design of the facility and a transparent process for updating the inventory for disposal.

Geological disposal is the internationally preferred approach for managing such waste and is being adopted in many countries, including Belgium, Canada, Finland, France, Germany, the United States and Sweden. It is likely to take several decades until a disposal facility is ready, but moving forward now towards a permanent solution is the right approach. It allows us to take decisions about disposing of waste that we have created or will create, and not place that responsibility on future generations. Today we are taking another significant step forward in dealing with that legacy, and I look forward to working with all those who can help us in the task.

Mr. Peter Ainsworth (East Surrey) (Con): I thank the Secretary of State for his statement and for the advance sight of it.

The challenge of dealing with the legacy of toxic nuclear waste has dogged successive Governments for more than half a century. We strongly support the Government's recognition of the urgent need to find a sustainable long-term management option to tackle the problem. I say "management option" rather than "solution", because the only solution to the potential dangers of nuclear waste lies in hundreds of thousands of years of gradual degradation.

I pay tribute to the Committee on Radioactive Waste Management and particularly its chairman, Professor Gordon MacKerron, for the thoughtful way in which it has approached this complex and sensitive issue. It is important to note that the committee's work related solely to legacy waste—the stuff that we already have, not the stuff that we might create if new nuclear power stations are built. I am concerned that the Government have muddled up those two distinct issues.

That matters because it is accepted that the taxpayer faces a huge and growing financial liability for dealing with the existing waste—£73 billion at the last count, I think, although the Secretary of State may wish to update the House on that figure—but it is not accepted that new nuclear plant should receive subsidies, hidden or otherwise, from the taxpayer. The Conservatives have made it clear that any new build will have to cover its own costs, including the costs of managing waste. The Government have now sent a confused message. Will the Secretary of State take this opportunity to clarify that, as they have said before, it is not the Government's intention to subsidise new nuclear capacity or the consequential waste management need arising from it?

On the specific questions, how many local authorities have already approached the Secretary of State with a view to discussing the matter? Did the Government consider identifying areas with suitable geological sites

and approaching the relevant authorities, rather than writing to every council in England? It is essential not to compromise the geological security of the exercise for the sake of a local deal.

What is the position in relation to Scotland? How many repositories does the Secretary of State believe we are going to need? What happens if no communities come forward to take on the responsibility? Is there a plan B? What will be the role of the unelected Infrastructure Planning Commission? Which arm of the Government do the envisage taking the final decision on where to locate a geological storage facility?

It may seem ironic that this announcement, involving as it does the payment of inducements to people to persuade them to do what some might describe as the Government's dirty work, comes the day after the controversial vote on the terrorism legislation. However, in this context, that approach may well be justified. We need collectively to deal with the problem of existing nuclear waste responsibly, safely and as soon as possible.

Hilary Benn: I thank the hon. Gentleman for the spirit and content of his response, with the exception of his last point. I know that he takes these matters seriously. I echo his thanks to Gordon MacKerron and to CoRWM for the work that they have done. I also pay tribute to Professor Pickard, who now chairs CoRWM in its new guise.

The Government have not sent a confused message on new nuclear build. Indeed, we consulted on waste from new nuclear build as part of the nuclear consultation. We have said clearly that companies involved in building new nuclear will have to build up a fund to cover the costs of decommissioning and waste management, and we are going to set a fixed price, which will include a significant risk premium, to cover the costs of accepting new waste and contributing to the cost of building a geological facility. The hon. Gentleman will know that the nuclear liabilities financing assurance board will oversee the process.

The truth is that in the past we tried an approach of scouring the country to find places. The last time it was tried, the final site identified in the mid-1990s was turned down by the inspector, and the right hon. Member for Suffolk, Coastal (Mr. Gummer), who was then Environment Secretary, confirmed that decision. We have to find a new method that is based on winning consent. That is why I thought it sensible to write to all local authorities. It is for them to decide to come forward. I assure the hon. Member for East Surrey (Mr. Ainsworth) that there will be no compromise of geological security. Indeed, once expressions of interest have come in, one of the very early stages is to screen those areas to see whether they would be suitable. As for the final decision in the process, we are minded to put that into the new planning arrangements, although the House is still in the process of considering them.

The Scottish Government have decided not to participate; they will continue with near-site, near-surface storage. That is entirely a matter for them. The Welsh Assembly Government support the process, but have reserved their position on whether they wish to host a facility. Any expression of interest in Wales would have to go to the Welsh Assembly Government for consideration.

On the hon. Gentleman's point about communities that decide to come forward, I think, and I hope that the House will agree, that it is not unreasonable for those who say, "We are prepared, potentially, to host this facility on behalf of the nation," to receive support and consideration for doing that. That is the right approach. When hon. Members have had a chance to read the White Paper, they will see the very careful step-by-step approach that we are taking to win trust, build confidence and be open with information, so that communities have up until the very last minute to say, "Thanks, but no thanks." I think that is the right way to do it.

Tony Lloyd (Manchester, Central) (Lab): I congratulate my right hon. Friend on making that final point. The whole question of nuclear waste has been bedevilled by a lack of trust in those who have the stocks of waste. It is not actually the Government's dirty business, but the whole nation's dirty business. If we are to move beyond the current situation and have a long-term and secure solution, the concepts of voluntarism, trust and proper partnership are fundamental and vital to ensuring that the nation can entrust both the Government and other partners to do this necessary job for us all. My right hon. Friend is to be congratulated on the spirit in which he has introduced the White Paper.

Hilary Benn *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. I do not think that a question was included there. I call Steve Webb.

Steve Webb (Northavon) (LD): Thank you, Mr. Deputy Speaker. I thank the Secretary of State for his statement and for advance sight of it.

I want to raise four issues with the right hon. Gentleman, the first of which is safety. Ten years ago, the British Government Panel on Sustainable Development said:

> "How to dispose of radioactive waste safely in perpetuity is one of the most intractable problems currently facing industrial countries. There are major scientific and technical difficulties with permanent"

storage underground. Ten years on, can he tell us whether those technical difficulties have been definitively resolved? If they have not—my question on plan B is slightly different from the one posed by the hon. Member for East Surrey (Mr. Ainsworth)—and there are technical and scientific difficulties that cannot be resolved, what is plan B?

My second question relates to interim arrangements. According to the White Paper, the storage will not be available for perhaps 20 years or more, but new nuclear will be up and running before that. Is it the intention to store the waste from new nuclear on site at the new nuclear plants? Will the Secretary of State confirm that that waste will be more radioactive than the waste coming from existing plants? Should people be worried by the thought of high-level, highly radioactive waste being stored on site at lots of locations around Britain? In a terrorist age, should we be concerned about that?

The third question relates to the spiralling cost of clean-up of legacy waste. As has been said, the figures keep escalating. First, it was £56 billion and then it was £73 billion; another £10 billion here or there and soon we will be talking serious money. When will we get to the end? When will we know definitively how much the

[Steve Webb]

clean-up of the legacy waste will cost? We cannot keep having a few more billion added all the time. Does it worry the Secretary of State that the Nuclear Decommissioning Authority, which is responsible for this matter, keeps losing its senior staff? What is going on at the NDA?

My final question is about the contribution of new nuclear to the costs of the repository. The White Paper says that the repository would have to be bigger if new nuclear goes ahead, especially if big new nuclear goes ahead. Will the Secretary of State confirm unreservedly that the whole incremental costs of a larger than intended store will be fully met by the new nuclear providers?

Hilary Benn: I thank the hon. Gentleman for those important and constructive questions. On safety, it is fair to acknowledge that the whole country has had the benefit of electricity produced by nuclear power for a long time. Nothing in this business is absolutely definitive, but our understanding has moved on.

The approach of deep geological disposal is supported by the Royal Society, as the hon. Gentleman will be aware, the Geological Society and the Royal Society of Chemistry. CoRWM looked long and hard at the matter, as he will also be aware, over two and a half years and it came back with the view that that is the approach to take. As I have already said to the House, it is the approach that, I think, 25 other countries are taking, including those that I listed. The right thing to do is to pursue it, because it is the way in which we are going to seek to deal with the waste. The straight answer to his question about what we will do if that approach does not work is that we will have to think about it then. However, the whole world is taking the approach of deep geological disposal to safe storage, which is why we intend to pursue it in the way that I have set out.

Waste from new nuclear build will initially be stored on site—it depends on the nature of the waste and the design of the reactors. On the cost of the clear-up, the honest answer is that until one knows the size of the facility and the nature of the surrounding geology, we cannot definitively say that it will cost a considerable amount of money.

I thought that the hon. Gentleman was slightly unfair to the NDA. I pay tribute to Ian Roxburgh, the outgoing chief executive, for his work since 2004, and I welcome the appointment of Richard Waite, who is taking over as interim chief executive. The NDA will play an important part in taking the work forward in the months and years ahead.

Andrew Miller (Ellesmere Port and Neston) (Lab): I remind the House that, 32 years ago, Lord Flowers published the report that resulted in the original work undertaken by Nirex. Owing to an act of cowardice by the Conservative Administration, that programme was frozen and the development of an underground research laboratory was stopped. At that time, we were the world leader, but we have now slipped behind. It is vital that we push forward with a long-term solution based on the best available science, which indicates that we should create a deep repository.

I commend to my right hon. Friend the work done in Finland, where a decision was reached among competing towns. Will he ensure that all authorities where the geology is suitable are not only properly informed at local authority level, but subject to proper community engagement, because there is a huge benefit in the creation of scientific jobs?

Hilary Benn: I agree with my hon. Friend. We should draw on experience from all parts of the world—indeed, continuing research and development will be part of what the NDA does.

The way in which the process is taken forward at local level will be extremely important, which is why the White Paper proposes that community siting partnerships should be established to bring together all local interests—local authority representatives, the local Members of Parliament, representatives of public services, residents' groups, NGOs and wider local interests and the NDA. We will support that process, because it is important that there is a local body to take the process forward step by step through receiving information and consulting the community to ensure that local agreement is expressed through the decision-making body, the local authority.

I apologise for not answering the fourth question asked by the hon. Member for Northavon (Steve Webb). I had already answered it in my exchange with the hon. Member for East Surrey (Mr. Ainsworth).

Mr. Michael Jack (Fylde) (Con): In welcoming the Secretary of State's statement, it is important that potential volunteers understand what is meant by a "safe" deep geological repository. Given the problems that the last so-called "safe" repository had in gaining the inspectors' approval, will he tell the House what the definition of "safe" will be? In a letter to me, the Minister for the Environment has stated that

"there will be an accompanying process of progressive assessment of potential sites",

which is different from the "screening process" that the Secretary of State mentioned in his statement. When will information on the progressive assessment of potential sites emerge to guide communities on whether they should volunteer?

Hilary Benn: A clear system has been implemented to regulate the process. As the right hon. Gentleman knows, it involves the nuclear installations inspectorate, the office for civil nuclear security, the Environment Agency and, when it comes to the transport of waste, the Department for Transport. All that will be overseen by CoRWM as an independent body offering scrutiny and advice, and nothing will happen unless the regulators are satisfied that a site is safe.

When a local community expresses interest, the first stage will be to decide whether the subsurface is suitable. Following an initial assessment, if the site is not deemed suitable, the expression of interest will clearly be unable to continue. If the site is deemed suitable, the community can decide to participate in the next stage of the process, which involves more detailed examination of the geology, consultation and surface investigations. There will be a final stage before serious money is spent and serious underground operations begin, which will allow the community to say, "Thanks very much, but we don't want to participate," or, "Yes, we want to move on to

the next stage." I hope that the right hon. Gentleman feels that the steps set out in the White Paper offer the reassurance that he is looking for.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I remind the right hon. Gentleman that I was here in 1982 and 1983, when Nirex introduced proposals for the disposal of low-level nuclear waste in shallow sites, one of which was in my constituency. On the back of that experience, I want to say three things. First, I am sure that deep-site disposal is the best way forward, subject to geology. Secondly, it is important that there are actual, tangible benefits to the local communities where the sites are located. Finally, sites should be identified in places that are already familiar with the generation of nuclear power. For example, I am not trying to identify Sellafield as a site, but the communities around Sellafield are familiar with the generation of nuclear power, which is an important consideration.

Hilary Benn: The right hon. and learned Gentleman has a lot of experience, and I am grateful for his support for the principle and practice of deep geological disposal. I completely agree with him about tangible benefits, which are only fair and reasonable to consider. We should not be surprised if those communities that already have the familiarity that he has described choose to come forward, but it is important that that choice is made by those communities rather than by our saying that we think that those communities should host the site.

We are taking a different approach to a long-standing problem. The right hon. and learned Gentleman is right that the problem has dogged Governments of all colours for a long time. It seems to the Government, and I hope to the House, that the right way to make progress after such a long time is by being open and direct, by giving information and by taking such matters stage by stage.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): The Secretary of State is aware that I look after Hinkley Point nuclear power station, which is in my constituency. He is also aware that EDF Energy has bought 86 acres next to the power station and that there is a low-level waste storage plan, which has not been enacted yet, for the Hinkley Point site. He knows that the provision of deep storage will take some time, and I suspect that in his heart he would like the site to be at one of the existing nuclear facilities, as has been suggested by my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg). Does he see low-level waste storage facilities being bumped up to take high-level waste? Will he insist that companies such as EDF Energy build a local storage facility on site for high-level, medium-level and low-level waste? Will he set out how he envisages places such as Bridgwater in west Somerset will negotiate and who will do the negotiation on behalf of the Government?

Hilary Benn: As the hon. Gentleman knows, arrangements are already in place to deal with low-level waste. Those arrangements are working well, and the new facility that I have discussed today is not designed to take low-level waste, apart from a small amount that cannot be disposed of, principally due to the concentration of specific radionuclides. All the issues that the hon. Gentleman has raised in respect of new build would have to be considered, if a proposal were to come forward. However, the proposal is principally about storing intermediate and high-level waste in a way that allows us safely to dispose of it in the future. It is also important that we reassure people in the interim that we can, as we have been doing for 50 years, find ways of safely storing waste.

Mark Pritchard (The Wrekin) (Con): On the storage of nuclear waste, will the Secretary of State confirm whether that will require planning permission? If so, will the matter be decided by the local authority involved, or will it be given to the new infrastructure commission that the Government are seeking to introduce through the Planning Bill?

Hilary Benn: Any proposal to establish a facility would indeed require planning permission. The straight answer to the question is that the Government have not yet taken a final decision on how that would be done, but we are currently inclined to apply the new planning system to that decision.

Martin Horwood (Cheltenham) (LD): The Secretary of State has been accused of mixed messages on this nuclear repository, but that is a bit unfair. He has been quite clear that he does not know how much it will cost, when it will be built or where. Two questions remain unanswered, however. To pick up on the point made earlier, while we wait for the new repository, are current nuclear power station sites that do not store high-level waste going to be asked to do so? Secondly, when the repository is built, how much foreign nuclear waste are we expecting to accept? Are the Government going to make Britain the nuclear dustbin for the rest of the world?

Hilary Benn: We do not intend to do that. Until the facility is built, high-level nuclear waste will be stored as it currently is. It is not our intention to take waste from elsewhere. This proposal is about dealing with our own legacy waste and any new waste that may result from a new nuclear build programme.

Mr. Philip Hollobone (Kettering) (Con): At what depths would the high-level radioactive waste be buried? Would the Secretary of State be a little more helpful in outlining the volume of such waste that might be expected in the next 50 years?

Hilary Benn: The advice that I have received is that it could be placed between 200m and 1,000m deep. It will depend very much on the nature of the geology in the chosen site, and vaults and tunnels will be involved. The studies that have been done so far refer to the figure of 1 sq km for low-level and intermediate-level waste, and 3 sq km for high-level waste. The straight answer is that until we know the precise location, it is hard to give a definitive answer to that question. It will clearly need to be adequate to do the job.

Cabinet Office Assessment (Documents)

1.21 pm

The Minister for the Cabinet Office (Edward Miliband): With permission, I would like to make a statement about events relating to the loss and recovery of two Joint Intelligence Committee documents.

The Joint Intelligence Committee, which is situated in the Cabinet Office under the chairmanship of Alex Allan, provides intelligence assessments to Departments across Government. An employee working in the JIC assessment staff left two documents on an early-morning commuter train on Tuesday of this week. Although the documents do not contain the names of individual sources or specific operational details, they are sensitive high-level intelligence assessments. The individual concerned informed his superiors about the loss of the documents on Wednesday morning and they called in the Metropolitan police who began an urgent investigation.

On Wednesday afternoon, the Cabinet Office was contacted by the BBC, which told the Department that the two documents were in its possession. The nature of the documents was made clear to the BBC and it was requested that it did not broadcast the contents of the documents, and that they be returned. The original documents were handed back to the Metropolitan police on Wednesday evening. There is no evidence at this stage to suggest that our vital national security interests have been damaged or that any individuals or operations have been put at risk. However, the police investigation is continuing.

This was a clear breach of well-established security rules that forbid the removal of documents of this kind outside secure Government premises without clear authorisation and compliance with special security procedures. These rules are a clear part of the operating procedures for handling matters of this sensitivity. All individuals on joining the assessment staff are given a formal briefing on the rules by a specially designated security officer. That formal briefing is supplemented by clear, written instructions provided to the individual, who has to sign a statement to indicate that they have read, understood and will comply at all times with the rules.

In this case, no authorisation was sought for the removal of the documents. The official concerned has been suspended from his duties as part of a standard civil service disciplinary procedure. The chairman of the JIC, Alex Allan, has confirmed that there are clear rules and that they were not followed in this case. But in order to provide the reassurance that all necessary procedures and safeguards are in place, the Cabinet Secretary has asked Sir David Omand, former permanent secretary for security and intelligence, and former permanent secretary at the Home Office, to carry out a full investigation of the circumstances of the case.

Given the nature of the issues, I have asked Sir David to keep the Intelligence and Security Committee, which has a particular role in security and intelligence issues, fully informed. All JIC staff have been reminded by the chairman of the JIC of the fundamental importance of following all security procedures in full, and similar steps are being taken across government for those handling sensitive, intelligence-related material.

It is a matter of utmost concern to the Government that this breach of security has happened. We will take all steps to ensure that all individuals who work within the Joint Intelligence Committee staff observe the procedures that are necessary for security. We will continue to do everything necessary to safeguard sensitive intelligence material so that we safeguard the British national interest. I commend this statement to the House.

Mr. Francis Maude (Horsham) (Con): The Minister was absolutely right to come to the House at the earliest opportunity to make a statement, and I am grateful for sight of that statement.

The Prime Minister said yesterday that we should take no risks with national security. There can be few greater risks than the casual abandonment of top secret intelligence material on a train, posing obvious risks both to national security and potentially to the safety of our armed forces personnel. There can scarcely have been a graver breach of intelligence and security procedures than this case. That al-Qaeda do not today know precisely what Britain knows about its activities and, more importantly, what Britain does not know, is entirely due to the responsible way in which the BBC has behaved, and reflects no credit whatsoever on the Government.

This lamentable lapse of basic security awareness and procedures raises a number of specific questions for the Minister for the Cabinet Office, and I would be grateful if he would respond to them. How quickly did the BBC alert the Cabinet Office to the loss? We assume that it was almost immediately, but I would be grateful for confirmation of that. When was he personally aware of the problem? When did he inform the Prime Minister of the problem? What steps were taken immediately when the loss of the file was known on Tuesday?

Were these two documents the original, numbered copies of the document—obviously, it would have been a breach of procedures for them to be allowed out of the Department in such circumstances—or were they illegal photocopies made in breach of the established existing procedures? What reason could there possibly be for this official to remove such files, apparently to read on the train? Why, now that such powerful encryption is available, are documents of such an extremely high level of security printed on paper at all? It may be too early for the Minister to say this, but he may be able to give some indication: will anybody be prosecuted under the Official Secrets Act? Was he aware of there being a problem with information security in the relevant part of his Department, in the JIC, before the incident?

There is clearly a major systemic problem with data security at the heart of the Government, and the saga goes on. In November last year, Her Majesty's Revenue and Customs lost 15,000 records of Standard Life customers, followed by the loss of 25 million data records. In December, 18,000 personal records from the Department for Work and Pensions were found at a contractor's home. In December, the Secretary of State for Transport admitted that 3 million driver records were lost, apparently in Iowa. Also in December, NHS trusts lost 168,000 confidential records. The Ministry of Defence lost three laptops, stolen from the boot of a Navy officer's car, containing sensitive personal details of no fewer than 600,000 people. In January, hundreds of DWP records had apparently been dumped on a roundabout in Devon.

It is not as if there had not been forewarning of the risks. Two years ago, the Walport report called for the Government to improve data security, warning that leaks of personal data would damage the Government's reputation. More than a year ago, in February 2007, General Sir Edmund Burton, the Cabinet Office's own adviser on information assurance, said:

"What keeps me awake at night is that, with some notable exceptions, across government there's too little awareness of the scale and breadth of the risk facing us at the moment".

Just last summer, at about the time when the Chancellor assumed his current responsibilities, Lord Coleman raised concerns in his report on data security, saying

"adequate mechanisms are not yet in place".

Obvious and dangerous issues arise from this kind of failure to comply with basic procedures, and the fact is that there may be—I should be grateful for the Minister's comments about this—a real problem with civil service morale, leading to laxity in the way in which procedures are not complied with.

The Cabinet Office has responsibility for information security across the whole Government, and the Minister for the Cabinet Office is its ministerial head. I am sorry to have to say that there is no evidence that he takes this crucial part of his responsibilities nearly seriously enough. When we have asked questions in the past, he has allowed his junior Ministers to reply on this crucial issue. It is clear that he did not even read the Coleman report when it was published last summer. Does he understand that he must himself take very direct personal responsibility for this latest shocking failure at the heart of his own Department? Ministers cheerfully claim credit for anything good that happens, but all the failures are someone else's fault. Does the Minister understand that this buck really does stop with him?

Edward Miliband: My reason for coming to the House at the earliest opportunity was precisely to inform it of what I know about this serious situation, and, indeed, to take responsibility on behalf of the Government for sorting it out.

Let me deal with the questions asked by the right hon. Member for Horsham (Mr. Maude). Some, obviously, will be the subject of the continuing investigation by the police, and also the investigation by Sir David Omand.

The right hon. Gentleman asked when I was informed, and when the Prime Minister was informed. We were both informed yesterday afternoon. Then, fairly quickly, I spoke to Alex Allan, the chairman of the Joint Intelligence Committee. The right hon. Gentleman also asked whether the copies of the documents that were returned were the original copies. They were, but obviously the police will investigate the question of the originals and how they found their way from the train where they were lost on Tuesday to the BBC.

Why did the individual concerned remove the documents? That is and should be a matter for the current investigations, but, as I have said, I think that it is an important point. There was a clear breach not simply of the rules, but of rules to which people sign up when they join the assessment staff.

The right hon. Gentleman asked why copies of such documents were provided. A very small number of copies are provided, some of them for people who attend JIC meetings. As the right hon. Gentleman knows, information security of all kinds is not without its risks, although I take his point about the need to minimise the number of documents that are produced.

Obviously I shall not go into the details of any prosecutions or any other action that is to be taken. That is a matter for the police.

The right hon. Gentleman asked whether I was aware of any problems relating to the work of the JIC. I think that the JIC does an extremely good job for our country, and I was not aware of any problems.

There were clear rules in this case. I have set out those rules, and the way in which people sign up to them when they go to work for the assessment staff. This is a case in which those rules were not followed, and it is a matter of deep regret that they were not followed. As I have said, the rules are in place; but to provide the necessary reassurance, we have asked Sir David Omand to consider whether any more can be done to provide the necessary safeguards. We will of course await the outcome of his investigation.

I think that the right hon. Gentleman's point about civil service morale was slightly beneath him. Civil servants do an extraordinary job, particularly in the intelligence services. I do not believe that that is the reason why the documents were left on a train.

I hope that the right hon. Gentleman will help us to ensure that we can have the information security that we need.

Mr. Don Touhig (Islwyn) (Lab/Co-op): I am grateful to my right hon. Friend for coming to the House at the earliest opportunity. When issues of this kind arise, Ministers ought to make themselves available to answer questions in the House. However, I am somewhat concerned about one part of my right hon. Friend's statement. He said there was "a clear breach of well-established security rules that forbid the removal of documents of this kind outside secure Government premises". Members of the House of Commons who serve on the Intelligence and Security Committee have to go to the Cabinet Office to read the documents there. They may not be removed. Why on earth does someone who works in the Cabinet Office need to remove documents at all?

Edward Miliband: My right hon. Friend has raised an important point. I can tell him that there are circumstances in which people must have meetings outside secure premises and documents need to be transferred from one place to another, but the most stringent rules exist, although I will not go into the details. As for the briefcases and other secure items in which documents are carried, I can reassure my right hon. Friend that it is exceptional for documents to be taken out of the building. Authorisation needs to be sought, and if it is given, it is given only in the most secure circumstances. As I said earlier, it was not sought in this case.

Susan Kramer (Richmond Park) (LD): All of us are probably appalled that we have to be here today because of a breach of security on this scale. A tribute has been paid to the BBC for its prompt response, but perhaps we also owe a tribute to the finder of the documents, who could presumably have taken them to some other

[Susan Kramer]

less responsible parties, perhaps in return for remuneration. Thank goodness the person who laid hands on them had some good sense.

We are all aware that this is not the only loss of information—the leader of my party, my right hon. Friend the Member for Sheffield, Hallam (Mr. Clegg), counted some 37 million pieces of personal data that went missing last year—but I have to say that this is on a different scale and of a different order, and perhaps we should not conflate the two issues.

I noted the slight irony that the Department that the Government have asked to review data-handling procedures is the Cabinet Office. Looking at one's own home first may, in fact, be an appropriate step.

I have only a few questions to add to those that have already been asked. It is, perhaps, possible to be almost too glibly certain that the documents never passed into the wrong hands, and I hope those conducting the investigation will consider that carefully rather than dismissing what happened as simply chance and accident. Although I think we all overwhelmingly believe that that is what it must have been, any other possibility should not be ruled out at this early stage, and I ask for this possibility not to be mentally dismissed or treated in a trivial way.

Both the BBC and *The Guardian* have reported that, under strict procedures—the Minister mentioned some of them—officials can take secret documents out. Perhaps we need to know a little more about what those procedures are in order to have an idea of whether or not they made sense in this case. A mere locked box, for example, does not seem terribly appropriate.

The main question that I want to ask, however, is this: to what extent are the procedures fine while the culture is not? A much more casual culture can easily develop, in which someone dumps the contents of an in-tray into a briefcase to read or to work on at home, having lost the sense that certain key documents carry real importance and real concern. At that point, even if all the procedures are in place, if the culture has led to the loss of that sense—and I doubt that this was a one-off; the loss may have been, but I bet the taking home was not—a much more fundamental problem exists, which must be examined.

Let me pick up something that was said by the right hon. Member for Horsham (Mr. Maude). I am anxious that this episode should not become a slur on the civil service as a whole. Presumably, it involved someone who made an error or did something wrong at a—

Andrew Mackinlay (Thurrock) (Lab): Senior.

Susan Kramer: At a very senior level. We do not need to treat this incident as suggesting that the civil service at large is not conscious of these issues. However, I would like the question of the culture to be thoroughly addressed.

Edward Miliband: Let me start by associating myself with the hon. Lady's comments about the civil service. As she says, it is easy in such circumstances to attach general opprobrium to the civil service. That would be wrong, because the vast majority of civil servants not only do a very good job, but do it with a proper regard for information security. It is important to put that on the record.

The hon. Lady made a point about the rules for taking documents out of buildings. Let us be absolutely clear: in this case, there was no authorisation for the documents to be taken out of the building. The rules were absolutely clear: authorisation should be sought. Such documents should be taken out of buildings in the most exceptional circumstances only, and in the securest of briefcases and with other such security attached. As I have said, there was no authorisation in this case, and there was no such security.

The hon. Lady also raised the issue of culture. Let me return to the first point I made: it would be a bit too easy—and also wrong—to say that because one out of 40 or 50 members of the assessment staff took a document out of the building without authorisation, that is a part of a general culture either there or elsewhere. Having said that, however, we want Sir David Omand to look at the necessary procedures and safeguards precisely in order to ensure both that that is not the case and that any necessary safeguards are in place.

Mr. John Spellar (Warley) (Lab): I will not follow the Opposition spokesman's stance of sentence first and trial afterwards, but that does not mean that there are not some serious questions to pose. Although I accept that the Minister will not be able to answer all of them today, I think they should form a part of the Omand investigation. There are top secret documents not only in the JIC and the Cabinet Office, but in other offices across Whitehall. Will the message that classified documents cannot be taken out of a secure environment except under certain conditions be strongly reinforced? Secondly, what explanation is there about the gap between the alleged leaving of the documents on Tuesday morning and the notification to the Cabinet Office on Wednesday morning—will that question be asked? Thirdly, the inquiry must look at the question, which will be in people's minds, as to whether those documents were taken from the office for the purpose of being leaked.

Edward Miliband: I am grateful to my right hon. Friend for his contribution. On his first point about classified documents, he is right that we should reinforce that message, and because of the gravity of this incident we are taking steps to do so not only to the assessment staff, but to all staff who handle intelligence-related material. That message is, as we speak, being conveyed by the Cabinet Secretary and other permanent secretaries across Government. My right hon. Friend asked about the timeline. It is for the police investigation to trace exactly what happened, and I think he will understand why I do not want to comment on that. Finally, let me say to my right hon. Friend that there is a need to improve the information security culture. We want Sir David Omand to conduct a review in order to look at questions to do with the security of intelligence-related material, and that is what he will do.

Dr. Julian Lewis (New Forest, East) (Con): I am rather astonished that no reference has been made to the searching of individuals as they enter and leave premises where top secret material is held. Why should somebody who works in such premises not be searched

on leaving premises to check that they are not removing classified material? Is that routinely done, and if so, do people of a sufficient level of seniority think themselves above such procedures?

Edward Miliband: All issues will, of course, need to be looked at by Sir David Omand. Searching each individual from the assessment staff who leaves the building each evening would clearly be quite an onerous task.

Dr. Lewis: No, it would not.

Edward Miliband: But I say to the hon. Gentleman that Sir David Omand will look at all suggestions.

Keith Vaz (Leicester, East) (Lab): Many of us have been campaigning for many years for more transparency in Government, but this is not what we had in mind. I welcome the Minister's decision to come to the House so speedily and to set up the inquiry so quickly, given the terms of reference that he has mentioned. Only the most partisan person would feel that he was in any way responsible for what happened: he was not on the train; he was not reading the document; and he did not take the documents out of the relevant Department. Will he undertake to ensure that he has discussions with other colleagues who are most closely involved with these matters? I saw that the Home Secretary was sitting beside him a few moments ago. Has he had discussions with her, and will he ensure that when the inquiry is completed, it will be published—at least those facts that can be put into the public domain—so that we know what the process was and whether it was followed? Also, will he undertake to come back to the House with that report?

Edward Miliband: I am grateful to my right hon. Friend who takes a great interest in these matters as Chairman of the Home Affairs Committee. He asked about my discussions with other colleagues; I have discussed this matter with the Home Secretary. My right hon. Friend will know that in the past such inquiries have had an element that must remain classified, which is why I mentioned the Intelligence and Security Committee, but I will, of course, keep the House informed of Sir David Omand's conclusions.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I recognise that such mishaps can occasionally happen. I was in the Foreign Office for five years, and I was aware of—indeed, involved in—occasional lapses of this kind. Incidentally, may I say to my hon. Friend the Member for New Forest, East (Dr. Lewis) that I would not have favoured being searched when I left the Foreign Office. What is important is to learn from these experiences and to try to make improvements, but as my right hon. Friend the Member for Horsham (Mr. Maude) has said there has now been a pattern of failure over many months—there have been many incidents. That suggests to me that the mistakes are not being addressed, despite the many inquiries that have doubtless been set up. Therefore, may I say that it is the business of the right hon. Gentleman and of senior officials to bear down on what I suspect is a very casual attitude that is now being taken with regard to documents of this kind?

Edward Miliband: I am grateful to the right hon. and learned Gentleman for his comments. He can take up with the hon. Member for New Forest, East whether he would have wanted to have been searched on leaving the Foreign Office. No doubt, Sir David Omand will consider the matter. As for the question about culture, let me make the point that this matter relates to one individual within the assessment staff. Because of the gravity of this issue, we have taken action to remind all the assessment staff and those across Government dealing with such sensitive material about security, and we have asked Sir David Omand to conduct his investigation in order to look at whether more can be done to put the necessary safeguards in place.

Let me say a few words on information security. Regrettably, I would not be being honest if I were to give a guarantee that no such incidents will ever occur. What I can say, however, is that we should take the necessary action and take all the steps we can to prevent them from happening. That is why I have come before the House today.

Andrew Mackinlay: Is it not a fact that this official was a seconded MI5 officer, and that, therefore, all this business about him being part of the assessment staff is part of an attempt to play this incident down? Although the Minister is innocent of responsibility for this cock-up, he is responsible for addressing the investigation and the remedy. I have no confidence whatever in Sir David Omand; he is a safe pair of hands, and will be involved in a cover-up. Does the Minister recall a conversation I had with him three weeks ago, when I told him there was no parliamentary oversight of the security and intelligence services? He promised to come back to me, but he did not. I reiterate my point: unless or until there is a Committee of Parliament looking into these matters, we can have no confidence about the veracity of the security and intelligence services and the so-called investigations. Let us have a parliamentary Committee now.

Edward Miliband: My hon. Friend has very strong views about the status of the Intelligence and Security Committee. I recall our discussion, and it will no doubt be a continuing part of his discussions with the Government and those people who are responsible for these decisions.

Andrew Mackinlay: Is he an MI5 officer?

Edward Miliband: I am not going to get drawn into a discussion of the status of the individual concerned. Apart from anything else, I do not think that would be fair to that individual. As for my hon. Friend's comments about Sir David Omand, I met Sir David this morning and he is determined to conduct a rigorous investigation to ensure that, as far as possible, we have the necessary safeguards in place.

Stewart Hosie (Dundee, East) (SNP): I thank the Minister for his statement and for advance notice of it, and for his candour in saying that no authorisation was sought for the removal of the documents and in describing the breaches in guidelines, procedures and rules. In any number of the answers that he has given, he has said that the latter needed to be beefed up. My concern is not about guidelines, but about the fact that there appears to be no physical or technical restriction preventing

[Stewart Hosie]

people from getting documents in the instance of a rule breach. Rules will always be breached, either innocently or out of malice. So, will the Minister assure me that when the Government examine this properly, they will examine not only rules, guidelines and instructions, but physical and technical restrictions that will simply prevent a document from being accessed or handed over when the rules have been breached?

Edward Miliband: Again, I want to be slightly cautious in what I say about the circumstances of this case, for reasons that the House will understand. When individuals are closely involved in the production of a document, they will clearly have access to it—it is hard to prevent that from happening. The hon. Gentleman made a wider point about Sir David's review and its examination of what can be done. I am not coming to this place promising magic solutions, and, in a way, we must let Sir David do his work. He is experienced and expert in these matters, so we must allow him to examine what can be done, to make his judgment about the safeguards and the rules that are in place, and to report accordingly.

Andrew Miller (Ellesmere Port and Neston) (Lab): The security of information, whether electronic or on paper, clearly must be given higher priority by all organisations, both in the public and private sector—recent lapses have also occurred in banks and so on. Sir Edmund Burton was charged with looking at the problem that occurred in the Ministry of Defence when a laptop was left on the back seat of a car. Has my right hon. Friend seen a report from Sir Edmund Burton? Can lessons be learned from that? Can we have a discussion in this House about information assurance in its broader sense—not necessarily in terms of things that are covered by the Official Secrets Act—to convince us that a proper process, led by his Department, is under way that will comfort the public, who are concerned about how the Government handle data?

Edward Miliband: My hon. Friend obviously has expertise in these matters. First, Sir Edmund Burton is reporting to the Defence Secretary, and that report is a matter for him. More important than that is the broader issue, which relates to the ongoing report by Sir Gus O'Donnell into the wider lessons that we should learn about information assurance. A number of hon. Members on both sides have talked about culture change, and that particular question needs to be addressed in relation to data issues, which have obviously been the subject of much discussion over the past few months. There are also obviously issues to be addressed on the handling of paper documents, as we have discovered in the course of the past 48 hours. My hon. Friend is right to say that these issues need to be taken very seriously by this House and by others.

Mr. Philip Hollobone (Kettering) (Con): It is obviously a good thing that the Minister for the Cabinet Office has chosen to make this statement, but may I explore when and for what reasons he decided to do so? Was it his decision to make a statement or was it the Prime Minister's? For what reason has the statement been made? Is it because the document went missing? Is it because it was returned? Or is it because it was publicised by the BBC?

Edward Miliband: It was my decision—a decision with which the Prime Minister agreed. I think that this is a serious matter, and it is right that I inform the House about what I know of the circumstances and about the action that I plan to take.

Martin Horwood (Cheltenham) (LD): I declare a constituency interest and, indeed, a past family connection. Does the Minister agree that members of the British Secret Intelligence Service have had an exemplary record of care and confidentiality over a century of service to this country? Does he also agree that the Conservative Front-Bench spokesman's loose language of "low morale" and "laxity" was profoundly inappropriate? Does he also agree that it is vital that responsibility is taken, that current procedures are enforced, and, if necessary, reviewed further, and that our Secret Intelligence Service is not denigrated by party political point scoring?

Edward Miliband: I associate myself with the hon. Gentleman's remarks about the civil service. It is one of the jobs of the Opposition to pounce on situations where there is human fallibility and where human mistakes are made and make them a party political issue. That is part of our political culture, and I would not expect anything else of the Opposition Front-Bench team. I believe that when most Members of this House, including the right hon. Member for Horsham (Mr. Maude), think about this issue, they will want to associate themselves with the remarks that the hon. Gentleman makes about members of the intelligence services, the vast majority of whom do an incredibly important job for our country.

Mark Pritchard (The Wrekin) (Con): I was very disappointed by the remarks made by the hon. Member for Cheltenham (Martin Horwood); he did himself a disservice. I know that my right hon. Friend the Member for Horsham (Mr. Maude) has gone on record praising this nation's security services, so we should let the record stand.

Is the Minister completely confident that the BBC or the passenger did not take further copies of these documents? Given the Government's shambolic record on data security and managing risk, is it not time that they perhaps tried to manage reward and give incentives for people who return Government property? I am thinking of things such as the 1,000 laptops that have gone missing in recent years.

Edward Miliband: On the hon. Gentleman's first question, all those matters are for the police investigation and I shall not comment on them, for reasons that he will understand. Obviously, we will think further about the question of rewards.

Points of Order

1.56 pm

Mr. Francis Maude (Horsham) (Con): On a point of order, Mr. Deputy Speaker. I am concerned that the hon. Member for Cheltenham (Martin Horwood) has just attributed to me words that I did not speak and sentiments that I certainly do not feel. He attributed to me disparaging remarks about our intelligence services and about our civil servants more generally that I certainly did not say or mean. I would be grateful if you would give him the opportunity to retract his comments. As one of my hon. Friends mentioned, I am on record as having said that I think we get fantastic service from our civil servants. However, there is a genuine issue to be addressed about the state of morale in large parts of our civil service, for which I do not blame civil servants; I think that it is attributable to the Government.

Martin Horwood *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Is it further to that point of order?

Martin Horwood: I am in your hands, Mr. Deputy Speaker. I attributed to the right hon. Gentleman only the words "low morale" and "laxity", which were exactly the words that he used.

Mr. Deputy Speaker: We obviously cannot continue— *[Interruption.]* Order. We cannot continue further with that statement, which we are in danger of doing. I think that both the right hon. Gentleman and the hon. Gentleman have put their points firmly on the record. We must leave it at that.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): On a point of order, Mr. Deputy Speaker. I have already mentioned this point—indeed, I mentioned it in advance to my right hon. Friend the shadow Leader of the House. You will know the importance of business questions: it gives Back Benchers an opportunity to raise matters of concern to them or their constituents. The time available is inevitably limited, so it is important that the Front-Bench spokesmen should not occupy too much time. This morning, the Front-Bench spokesmen took up between 22 and 24 minutes of business questions, which is intolerable to many Back Benchers. As a result of that, many Back Benchers were not able to intervene, although happily, I was able to do so. May I ask you to raise with Mr. Speaker how we can deal with this issue? I have privately raised the matter on previous occasions within my party, but I suggest that the prolixity of the contributions by Front-Bench spokesmen, especially in business questions, is intolerable.

Mr. Deputy Speaker: I very much understand the points that the right hon. and learned Gentleman is making. I think that it is incumbent on all Front Benchers to be very conscious of the proportion of the allowed time that they take. I think that Ministers and Opposition shadow Ministers should think about that, and that all of us should lend our attention to it. May I say that I think that it is also incumbent on Back Benchers to ask one question when they are supposed to ask one question, if that is possible, and to make it brief? If we could all achieve both those objectives, that would be highly satisfactory from everybody's point of view.

TOPICAL DEBATES

Dangerous Dogs

1.59 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): I beg to move,

That this House has considered the matter of dangerous dogs.

This is a very opportune moment to have a debate on dangerous dogs. I know many people feel strongly about this issue and my colleague in the other place who leads for the Government on dangerous dogs just last week gave a speech to a very well attended RSPCA conference on the issue. Therefore it may be useful if I set out at the start of the debate the Government's position on dangerous dogs and dangerous dogs legislation.

I know that some hon. Members feel that we need a new dangerous dogs law, because the current law is ineffective and flawed. We disagree. I am aware from the letters we receive that parents have concerns about their children being attacked by dogs, and those whose work involves them going on to private premises, such as postal workers, also have concerns about the current powers available.

Several hon. Members are calling for a review of the Dangerous Dogs Act 1991. I assure the House that the Government are well ahead of the game here. In the aftermath of the shocking death of Ellie Lawrenson in January 2007, my Department conducted a detailed review of the dangerous dogs legislation. We wrote to police forces in England and Wales at the beginning of last year to ascertain whether there were problems with the law and to judge how it was enforced. We then discussed the results of this consultation with the Association of Chief Police Officers. Members may be interested to know that a summary of the responses received from the police has been placed in the Library.

The outcome of the review has guided the Government's policy in this area. The three main findings were that there are sufficiently robust yet proportionate powers within current legislation to tackle irresponsible dog ownership, including incidences in which a dog is being used as a weapon; that the police have not been making full use of the powers within the legislation and that enforcement around the country was patchy; and finally that Parliament was absolutely right to prohibit the ownership of pit bull terriers.

Our view is that the legislation now in place is robust and that new legislation is not the answer. Certainly over the past few months, we have heard a number of suggestions as to how we can change the law. We have considered these changes. They seem to range from either highly disproportionate responses to the problem or ones that would make the situation worse. One much publicised suggestion has been for a dog ownership test. That would involve setting up an executive agency—a doggie DVLA, perhaps—to run a licensing scheme for dog owners. All owners would need to pass a test before getting a licence. Other possibilities include licensing all male un-neutered dogs under a revised Breeding of Dogs Act 1973 and the introduction of a watertight dog registration system that would have all the necessary veterinarian/dog behaviourist checks to ensure that those who registered did not register dangerous dogs.

Mr. Philip Hollobone (Kettering) (Con): There is much public concern about dangerous dogs and a parliamentary answer earlier this year revealed that 4,000 people a year are treated in hospital for dog bites. That is double the level of four years ago. I appreciate what the Minister is saying, but what is difficult about ensuring that people are held responsible and accountable for the behaviour of their animal?

Jonathan Shaw: The hon. Gentleman brings a measured tone to the debate. I hope that I will be able to answer his point in my speech. People are rightly concerned by that increase, and that is why the Government have provided this opportunity for hon. Members to discuss this issue.

Mr. Greg Hands (Hammersmith and Fulham) (Con): The Minister might remember that I had an Adjournment debate on 8 May 2007 on the subject of dog fighting. I agree that we need better enforcement of the existing legislation and we do not need to create a huge number of new offences, but I suggested in that debate that we create a specific offence of breeding dogs for fighting. That could be an effective tool in closing down some of the dog breeding factories that are run specifically for the purpose of fighting.

Jonathan Shaw: I regret that I do not recall the hon. Gentleman's Adjournment debate. I was in the Whips Office at the time, and Adjournment debates are not necessarily the focus of the Whips' attention, as they tend to focus on votes in the House. He makes a fair point, and I hope to show that we have been through a process, in which we have talked to all the relevant agencies involved, including councils in London, the RSPCA and the police, about how we can enforce the legislation better.

Justine Greening (Putney) (Con): My local council, Wandsworth, was one of the local authorities that participated. My understanding was that recommendations were brought forward, but the working group was told that not enough parliamentary time was available to make any changes. Dangerous dogs are a massive problem in my area.

Jonathan Shaw: No, that is not that case. If I may proceed with my speech, I shall give examples of what is happening in Wandsworth and another London borough.

I was talking about the schemes that have been proposed and I am not saying that they have no merit, but if they are to be truly effective, there will need to be rigorous enforcement; otherwise they will be ignored by the irresponsible with only responsible owners obeying them. A key test of any new measure is whether it would disproportionately target the vast majority of responsible dog owners. I dread to think how much the schemes would cost, and that cost would have to be borne by responsible dog owners through the licence fee when they have done nothing wrong. It could end up being seen as a massive dog tax, borne by the vast majority of dog owners who are law-abiding citizens and out to promote the welfare of dogs.

Martin Horwood (Cheltenham) (LD): The Cheltenham animal shelter has advised me that the microchips that could be used in a universal dog licensing system cost only about £2.60 per chip.

Jonathan Shaw: We would also have to take into account the bureaucracy, and I wonder whether the hon. Gentleman has factored that into his equation—

Mr. Hands: That does not sound very liberal.

Jonathan Shaw: It would be liberal with other people's money.

Martin Horwood *rose—*

Jonathan Shaw: I shall give way to the hon. Gentleman, and I expect that the cost will go up even more now.

Martin Horwood: Cheltenham animal shelter provides and administers a chipping system for a fee of £8 per dog, which includes a charitable donation to the shelter.

Jonathan Shaw: I am sure that the organisation in the hon. Gentleman's constituency is run and organised by excellent people, but obviously we do not legislate just for Cheltenham. The system would have to be rolled out, and I doubt that such organisations would be universal across the system. Any system introduced to Parliament would have to be accountable and we would have to ensure that the scheme was in operation. Otherwise, it would fall into disrepute.

As I have said, many just do not have the money to pay for such schemes. We do not want to penalise people on low incomes who enjoy the companionship of their dogs. We also wonder how many dogs would end up in re-homing centres.

Another more controversial suggestion is that we should open up the index of exempted dogs to owner-led registration. For those Members who not aware of this fact, the only pit bull terriers legally owned in this country must be registered on the index of exempted dogs. Only a court can add a pit bull to the index and only when it is satisfied that the dog does not pose a threat to public safety and that the owner is an appropriate person to own such a dog. Let me make it clear that we believe that that is absolutely right. Pit bulls are not suitable animals to be kept as pets unless a court has determined that they are not a threat. The index is purely an administrative agency. It issues exemption certificates for those dogs that have been seen by a court. It is not within the scope of the index to make a judgment on either a dog or its owner.

Angela Watkinson (Upminster) (Con): Does the Minister agree that this debate would be better entitled "Dangerous Dog Owners"? It is not the dogs that are at fault but the owners. If owners train or breed them to be aggressive, they will be. A lot of kennels, breeders and pet shop owners are very responsible and go to great lengths to ensure that people who take on puppies have the right temperament to train them and the right environment to bring them up in. Can we not place more responsibility on kennels and pet shops so that those that are not responsible are made to ensure that the people who buy their puppies are fit to do so?

Jonathan Shaw: The first part of the hon. Lady's intervention, on dangerous people and what they do when they abuse animals, is absolutely right. I am sure that the whole House will agree with that sensible point.

On her second point, the standard of practice in ensuring that a dog goes to a good home will vary across the piece. There are agencies that ensure that kennels, breeders and pet shops put good practice into place. We have the RSPCA and local authorities to do that and, importantly, the animal welfare registration system that we have introduced ensures that we can take steps to prevent cruelty. That was groundbreaking legislation, which had the consent of the House, and it was an important development.

To open up the index to owner-led registration would remove those important checks and could allow unsuitable owners legally to hold dangerous dogs. I suspect that it would also encourage dog fighting, as it might enable dog fighters to sell more easily any surplus dogs that they produced. That said, we recognise that there is an increasing problem of irresponsible dog ownership. We are sensitive to the fact that there have, in the past few years, been a number of high-profile and tragic incidents involving children. Some have been tragic domestic incidents in the home where a dog has suddenly turned on a child, but in some cases there has been a clear link with dog aggression and the wider problem of antisocial behaviour. We are also aware that hospitals report an increase in patients needing treatment for dog bites, as mentioned by the hon. Member for Kettering (Mr. Hollobone).

I assure the House that the Government take the problem seriously. We believe that it would be far better tackled through more effective enforcement of the existing law, ideally through local solutions. We are already seeing a number of successful local initiatives developing around the country, such as the work done by Merseyside police in immediate response to the horrific chapter of events that led to the death of Ellie Lawrenson. Their swift action reassured the local community that the police were responsive to the feeling of worry and outrage in Merseyside.

Other initiatives are geared not only at raising awareness of the law but engendering a spirit of responsibility in local communities, a good example of which is the Brent Action for Responsible K9s initiative—or BARK, as it is more commonly known. BARK is an excellent example of a number of agencies working together, sharing information, offering advice to the public and dealing with irresponsible owners to tackle the irresponsible use and mistreatment of dogs. BARK comprises the Metropolitan police, the RSPCA, the Mayhew animal home, Brent council, Brent antisocial behaviour team and Brent Housing Partnership.

BARK was set up in January last year as a result of a significant increase—70 per cent.—in all types of incidents involving dogs. BARK offers—

Mr. Deputy Speaker (Sir Michael Lord): Order. I am afraid that the Minister has had his allocated time.

2.16 pm

Andrew Rosindell (Romford) (Con): I am pleased that this topic been brought before the House today, as will the millions of people throughout the United Kingdom who, like me, are responsible dog owners. It is a debate that we need to have. Many people across the country are concerned that the laws we have in Britain are ineffective in protecting the public from those dogs that have the potential to cause harm to humans and to other animals.

Mr. David Amess (Southend, West) (Con): I know that my hon. Friend might be a little anxious as this is his debut at the Dispatch Box, but I thought it was usual for hon. Members to declare their interest. Will my hon. Friend now declare his interest?

Andrew Rosindell: I have no direct interest to declare other than that I own a Staffordshire bull terrier called Buster, but he is not dangerous—except to the opposition at election time when he campaigns with me in Romford. I thank my hon. Friend for that intervention.

Many people are concerned that the laws in this country are ineffective and do not have the potential to deal with this serious problem. As a nation of animal lovers, we also have great compassion when it comes to ensuring the welfare of man's best friend by encouraging the responsible ownership of dogs. Indeed, as so many organisations that are engaged in this debate—such as the Kennel Club, Dogs Trust, the RSPCA and others—will tell us, promoting responsible dog ownership, education and training is by far the best means by which to ensure the protection of the public.

Martin Linton (Battersea) (Lab): Does the hon. Gentleman agree that Staffordshire bull terriers make good family pets and that there is no reason to discriminate against the breed? Does he disagree with the suggestion from the leader of my local council in Wandsworth that a £500 dog licence should be applied to specific breeds, namely Staffordshire bull terriers?

Andrew Rosindell: As the owner of a Staffordshire bull terrier—it might be that I am biased—I certainly do not think the breed is dangerous in any sense. Of course, any dog has the potential to be dangerous, but I am wholly opposed to any persecution of any breed. The deed is what counts and responsible dog ownership is what matters, not the breed of dog. I certainly sympathise with the hon. Gentleman's comments.

In recent years, we have witnessed a series of tragic incidents involving dogs, and quite rightly, with every high profile attack—particularly when it involves a child—there is a natural demand for Parliament to take a fresh and serious look at the issue of dangerous dogs, to review whether the law is working to best effect in the protection of the public and to examine how things can be improved.

Her Majesty's Opposition understand and share the public's concerns. We also share people's fears about the deliberate use of dogs for illegal and sometimes violent purposes, and we are committed to ensuring that the protection of the public is paramount. However, we are also committed to high standards of animal welfare: dogs are man's greatest and most loyal companions, and they too must be protected from abuse and cruelty. Our laws must reflect that.

Angela Watkinson: Will my hon. Friend join me in congratulating all the organisations that re-home dogs that have been abandoned or need to find a new family for various reasons? They go to enormous lengths to ensure that the new homes are suitable, and they make follow-up visits to ensure that a dog has settled in properly and that the new relationship is successful.

Andrew Rosindell: I certainly commend those organisations as they do a splendid job. There are many of them around the country, with volunteers making use of private donations to look after the welfare of dogs and re-home them in happy family environments. I have worked closely with organisations that re-home greyhounds, something that I know my hon. Friend is especially interested in.

The Minister will be aware of the danger posed to the public by dogs whose mental and physical welfare is not catered for by their irresponsible owners. The alarming increase in the number of dogs being bred for antisocial and aggressive purposes such as fighting is deeply worrying. With greater sophistication and more investment being channelled into the breeding of aggressive dogs, we have more dangerous dogs in this country than ever before. They are bred primarily in deprived urban areas and are often insufficiently restrained by their uncaring owners. As a result, an alarmingly large proportion of the public—notably children—is at risk of attack, and the Dangerous Dogs Act 1991 has failed to prevent the existence of dogs belonging to what are described as "dangerous breeds". It has certainly not led to a decrease in attacks: nearly 4,000 people received treatment for bites or dog-related wounds last year, twice as many as four years ago.

The police have spent an enormous amount of time and valuable resources in attempting to enforce the law, but to what effect? The Dangerous Dogs Act has also had a detrimental impact on the welfare of those dogs that have been kept in kennels, in some cases for many years, or euthanased simply because of their breed or type. There have been countless cases since 1991 of dogs that have been held in police kennels for long periods. That costs large sums of money and causes huge stress to the animal and heartache to the owners—often when the dog has shown no signs of aggression whatsoever. How the police handle situations involving dogs must also be reviewed and tightened up, as all of us, including the police, have a duty of care under the Animal Welfare Act 2006.

The law should allow the police to focus their resources where they are needed most and where they will be put to best use in protecting the public. We need to question whether the current breed-specific legislation really is the best way of doing that. The police and local authorities might be more effective if they were able to target cruel and irresponsible owners, regardless of the breed of dog involved.

As the shadow Minister with responsibility for animal welfare, I have been liaising closely with the Kennel Club's Dangerous Dogs Act study group, which represents animal welfare organisations, local authorities, police and veterinary professionals. There is a consensus that the 1991 Act needs to be reviewed, and I can tell the House today that that is precisely what the next Conservative Government will do.

We will study all the evidence on how best we can protect the public from dog attacks and how police resources can be used in the most effective way, while at the same time ensuring that the welfare of the animal is fully taken into account. Policy must be developed that addresses the danger posed by certain dogs to the wider community but that at the same time reasserts the enforcement of the law in emphasising that a dog's mental and physical welfare is the owner's responsibility.

Owners must retain the principal control of and responsibility for their dogs, but there should be no interference from new regulations: the experience of owning a dog must remain liberating and rewarding. There is a clear need to shift the focus of the available penalties towards dogs' specific actions and the failure by owners to act responsibly, and away from penalising the ownership of certain breeds as a whole. That approach is generally accepted by all dog organisations as a much more effective way forward.

It is unfair to penalise a small minority of dogs solely because of their breeding history: all dogs can attack when trained to do so, just as all breeds can produce friendly, good natured dogs when the animals are trained responsibly. Consideration should also be given to opening the index of exempted dogs to allow owner-led applications, as that would give owners a chance to prove that their dogs do not pose a danger to the public. In cases where illegal dogs are successfully registered and proved to be safe, their welfare will have been maintained, with the result that they will not be seized and placed in police kennels unnecessarily. The police would then have more freedom to focus their resources on real cases involving irresponsible dog owners and dogs that pose a genuine a danger to the public.

In summary, we must implement the "deed not the breed" principle, and the support and protection of responsible owners must also be addressed. We should retain the offences connected with serious aggression, and their potentially severe penalties, but safeguards must also be introduced for owners so that they can prove that their dog was provoked into being aggressive. Owners should also be able to prove that their dog attacked in self-defence or as a means of preventing a physical assault on its owner.

The issue of dangerous dogs seems to have eluded many local authorities across the country, despite the growth in frequency and severity of reported incidents. I want the subject to be made a priority for local authorities and police forces, so that the harsh penalties available for dealing with crimes of this nature are communicated successfully to people. Resources need to be invested in opposing the so-called sport of dog fighting. Public awareness of the problem needs to be raised and a widespread clampdown encouraged. As with many other crimes, only by focusing on prevention and asking for public as well as police-driven help can we properly attack the root causes.

The issue of dangerous dogs ties in very closely to another growing concern—that of stolen and stray dogs. Dogs are often stolen for the purpose of fighting, and stray dogs can indeed become dangerous when left to fend for themselves.

Mr. Amess: I am listening to my hon. Friend's proposals very carefully, and I hope to be lucky enough to catch Mr. Deputy Speaker's eye later, as I want to say something about the 1991 Act. Where does the support for the Conservative party's proposals on these matters come from? Where has my hon. Friend sought advice, and how does he think the proposals would work in practice? I agree very much with what he is saying, but I am concerned about the practical implementation of the policies.

Andrew Rosindell: I thank my hon. Friend for that intervention. I have liaised closely with the Kennel Club, Dogs Trust and all the major dog welfare

organisations in this country. I am sure that the Minister is also in contact with them. They share the concerns I have set out this afternoon, and much of what I am saying is based on the advice that they have given to me and to the Conservative party. We believe in dog welfare and in protecting the public, and any legislation that we bring forward must strike the right balance.

Dog theft is a great concern, and one of the fastest growing crimes in the UK. In most cases, the dogs are sold on, sometimes to completely innocent and unsuspecting members of the public. In the vast majority of cases, by the time the dog is in the possession of a third party it is completely untraceable. However, that need not be so. Through the simple use of a nationally recognised microchip system, whereby information on a chip is scanned and stored on a national database, many such cases could be solved or even prevented in the first place. I commend the work of the Vets Get Scanning appeal, and especially that of Bruce Forsyth and his daughter Debbie Matthews.

Crimes involving man's best friend are cruel and heartless, and in the extreme they threaten the freedom of individuals to enjoy the everyday leisure activity of dog walking in public areas without fear of theft, violence and intimidation.

Mr. Deputy Speaker: Order. The hon. Gentleman has had his allocated time.

2.30 pm

Mr. Ian Cawsey (Brigg and Goole) (Lab): I congratulate the hon. Member for Romford (Andrew Rosindell) on his debut on the Front Bench. He is a good supporter of dogs, for which he was known even before he entered the House. I am pleased that he has been given a position to which he will bring much experience for the benefit of other Members and the House.

I begin with a declaration of interest—before the hon. Member for Southend, West (Mr. Amess) tells me I have not made one. I am a vice-president of the Royal Society for the Prevention of Cruelty to Animals, an honorary member of the British Veterinary Association, a trustee of the Jerry Green dog rescue trust and the proud owner of Ben, a very elderly but loveable Labrador, and China, a rescued ex-hare coursing lurcher—both of which have their own page on my website, which is often more popular than I am.

I welcome the debate, which has been a long time coming. For seven years, I have had the great honour of chairing the all-party group on animal welfare. I have worked with colleagues on both sides of the House and with animal welfare groups on all aspects of the topic, which has come up time and again over the years.

Early in his speech, my hon. Friend the Minister said that in his and the Government's view there was no need for new legislation. Perhaps we might return to that point later. I attach no blame to the Government who introduced the 1991 Act, because, as Members may recall, a number of horrendous incidents had occurred in quick succession and there was much pressure for the then Government to act. I am the first to accept that the Dangerous Dogs Act was introduced with the best of intentions, but I am not certain about its outcome. With the clarity of hindsight, which of course we all wish we could have at the time, I am not convinced that the Act has had the effect that many of us in the dog and animal welfare world hoped it would.

The Act seems to have many shortcomings that need to be redressed. It is retrospective in nature, and although there will obviously always be a clamour to take action when an incident has occurred, we would all prefer an intervention to stop a dog becoming dangerous. There is nothing in the law that helps in that regard. Section 3 can be applied only in certain circumstances—when a dog is in a public place or in a private place where it is not permitted. In other words, if a person owns some land and has a dog that they may be making dangerous, through breeding and training, for all sorts of bad purposes, such as dog fighting, they cannot be prosecuted under section 3, because the animal is on their land. That seems to be a big hole in the legislation.

The law applies only when the dog acts dangerously towards people. However, if we want to reach a situation where we intervene before such incidents happen, we need to do much more. The hon. Member for Romford used the phrase, "deeds not breeds", and those of us involved in these things hear that over and over again. We need to give that idea further thought.

The hon. Gentleman mentioned the Dangerous Dogs Act study group, which includes the Battersea dogs home, the Blue Cross, the British Veterinary Association, the Dogs Trust, the Kennel Club, the Metropolitan police, the Royal College of Veterinary Surgeons, the RSPCA, Wandsworth borough council and Wood Green animal shelters. That is an impressive group of people, who know what they are talking about. I know that my hon. Friend the Minister will be talking to them, but I hope he listens to them, too. Although I realise that was not the hon. Gentleman's intention, in what he said about the study group there was almost an implication that it was briefing only the Conservative party on these matters. Having chaired the all-party group for several years, I know that all members of the group are extremely forthcoming in advising all politicians on animal welfare matters. If any hon. Members want further information they will find that the group is a good one with which to hold discussions. I am grateful for all the effort that the group has put in and for the briefings it has given me and others.

As has been said, we need to try to intervene to help owners. Most people do not want to have a dangerous dog. Sometimes, they do not have the necessary expertise or skills to handle the dog, and sometimes they do not understand what they are taking on. This might be too much of an animal pun, but it has always been a bit of a hobby horse of mine that we should involve younger people in animal welfare and responsibilities for animal care, which relate to wider issues than just dogs. Animal welfare should be part of citizenship education in schools. I realise that the school curriculum is burdened with all sorts of things, and I do not mean for a second that animal welfare should be a huge part of it, but as all schools are required to cover citizenship, something about the responsibilities involved in keeping animals would be welcome. People often take on an animal without being aware of the extent of the commitment.

When organisations sell animals—or, in some cases, simply hand them over—it is important that they make adequate checks that the people taking the animal are responsible, have the right facilities to care for it and

[Mr. Ian Cawsey]

know what its needs are. Even in the dog world, there are huge variations in the needs of different breeds, and people need information about that. Most kennels act responsibly; they have to be licensed, so I hope that requirements on checking are part of the licensing and registration process.

Members with good memories will recall that a few years ago, I promoted a private Member's Bill to try to ensure that rescue centres and sanctuaries were covered by the laws that apply to kennels. I am a trustee of a rescue centre and although there is no requirement for us to abide by those provisions, we do so because we are a good trust. I am pleased that the provisions of my Bill were picked up—albeit many years later—in the Animal Welfare Act 2006, but one of the most frustrating things is waiting for secondary legislation to implement the measure. I understand why it was decided that not everything in the 2006 Act could be done straight away and that its provisions would be phased in, but ensuring that those who hand over dogs do the right thing is an important element if we want responsible dog ownership.

Recently published statistics show worrying growth in the number of dog fights. There has also been an increase in the number of trophy dogs, owned by people who parade in a macho way around their estates or town centres with a big muscular dog straining at the bit. That is a worrying trend and it is important that we have strategies to deal with it. The Minister may comment later on whether we need legislation, but something needs to be done.

Dogs are stolen, sometimes for various reasons to do with the breed, and sometimes for people who are involved in dog fighting. A dog was stolen a few months ago from Jerry Green's head sanctuary, which is based in my constituency. It is a sanctuary, so it wants people to have its dogs. There really is no need to break in at night and take them, so the people who do break in probably do so for two reasons: first, because they want a particular dog—we suspect that in that case, the dog was going to be used for fighting—and secondly, because those people know that they will not get through the sanctuary's vetting procedures. In other words, we would not have allowed them to have a dog, so they broke in and took some away. Again, the Government must take action on dog theft.

I praise Dog Theft Action, an organisation that a number of hon. Members will know about. It does some excellent work trying to spread good practice, to trace dogs and to help people who have lost their dogs. I mention in particular Maggie Nawlockyi—I can already see the *Hansard* scribe writing a little note to me about how to spell that. She is one of my constituents, and she has done an excellent job of raising the profile of dog theft. It is a big problem that sometimes involves dangerous dogs and dogs that will be used in fighting. We need to do more about it.

On what can be done to improve the situation, the Government must decide whether legislation is required, but more action must be taken to help when dangerous dogs cause problems in communities. There is a lot of call for something similar to an improvement notice, which is already a part of the 2006 Act and could be used in such circumstances. I go back to my original point: most dog owners—most animal owners—do not intend to have a dangerous or difficult animal; the problem arises because they do not know enough about what they are doing, or they did not look into the situation enough before they took a dog on.

Many Members have probably experienced going out with an RSPCA inspector and spending a day doing what they do. I remember going out in Hull with an inspector, and we called at a dog owner's house because there had been a report, not of a dangerous dog, but of a dog that had not been adequately cared for. I found the situation striking, because when the RSPCA inspector turned up, all uniformed and all the rest, they found an elderly couple who owned the dog. The couple were petrified by that uniformed person knocking at the door and coming in, and they were fearful that the RSPCA was just going to take the dog away. In fact, they just required some help and support. They wanted to look after the dog; they just did not know what to do. The RSPCA wrote out an improvement notice, gave them some guidance and advice and then monitored the situation until the inspectors were happy that the dog was being adequately cared for.

Angela Watkinson: Does the hon. Gentleman share my concern that in some circumstances the RSPCA does not have enough powers when it finds an animal in a state of neglect and the owners unresponsive to its advice? The animal has to be in a very bad state or injured before the RSPCA has the power to remove it. Sometimes, even with repeated visits, the owners do not respond to the good advice that they receive.

Mr. Cawsey: We could probably all provide examples from our constituencies of such situations. However, the 2006 Act, with its five basic freedoms for animals, is a real step forward. The law now allows for intervention before an act of cruelty takes place, so we do not have to wait for it to happen. That is a big step forward. The hon. Lady is absolutely right, however, and more must be done.

Improvement notices in respect of potentially dangerous dogs might require owners to do all sorts of things, depending on what the inspector saw. Such measures could include muzzling, a requirement to keep the dog on a lead when it was out, or even re-homing, if that was necessary. Those things could be done at the intervention stage—before incidents have happened and before draconian measures have to be taken. Offences will have to be placed on the statute book, however, which is why I should be interested to hear more from my hon. Friend the Minister, if not today then privately at some point in the future. It strikes me that it must be made an offence to have a dog dangerously out of control in both a public and a private place. We have to cover both places; I can see no logic in the restrictions of the current law. There should also be an aggravating element if the owner or person in charge of the dog encourages it to be aggressive, or to intimidate people or animals.

Jonathan Shaw: My hon. Friend talks about a dangerous dog on private property. We keep such matters under review, but I referred to a case earlier on. Often, the family dog is involved in such attacks, and in such tragic family circumstances, we do not then want to prosecute those people. The situation is bad enough as it is—the

child has been disfigured by the family dog. Getting the legislation right is a complex task, but we do not want to make things worse.

Mr. Cawsey: I understand that. That is why I said that further consideration had to be given to the issue. However, I say to my hon. Friend—who genuinely is, as he knows, an honourable friend of mine—that an offence does not have to be prosecuted just because it is on the statute book. Common sense should always apply, and not only in cases involving dogs, before a prosecution is started. However, we could never prosecute in any circumstances if there were no offence on the statute book, so the issue is worthy of further investigation.

I do not think that there is any disagreement about the fact that in some cases a dog is so dangerously out of control that, however it became so, the only safe option is to put it down; our trust has had to do that. However, that option should always be the absolutely last resort, and I am not at all convinced that under the 1991 Act it is. I would like a list of punishments or actions that can be taken when there are concerns about a dog. There should be control orders requiring the owner to keep the dog muzzled or on a lead, or to get it neutered or re-homed—whatever is deemed appropriate for that particular animal. There could be disqualification orders, deprivation orders and, as a last resort, destruction orders.

Andrew Rosindell: I agree with the hon. Gentleman. Does he accept that one of the flaws of the 1991 Act is how it has been implemented? Dogs have often been seized quite unnecessarily and locked up for long periods in cruel conditions, which has caused great distress to the families and the animal. Does the hon. Gentleman think that a reform is needed so that action can be taken in stages? In that way, small deeds could be dealt with by small penalties rather than, as has frequently happened, by having dogs seized, put down or taken away from their owners unnecessarily, which leads to great distress.

Mr. Cawsey: I could not agree more with the hon. Gentleman. I am calling for a range of tariffs so that we can deal with the simple problems at the simple end of things. I suppose that punishments for owners at the horrendous end of the scale could go up to imprisonment and fines, but at the moment dogs are ending up in kennels for long periods, and there is no right of appeal for getting back a seized dog, even if the owner thinks that there has clearly been a mistake—after all, mistakes are made.

The law is inadequate. I am the first to acknowledge that all sorts of improvements can be made without running to the statute book, but I wonder whether that applies to what we are discussing. No doubt the Minister will inform me about what he is willing to do. The problem of dangerous dogs will not go away; if anything, it has got worse since the 1991 Act—the incidents have got worse and the numbers of dog fights and trophy dogs have increased. It is incumbent on all of us in the House—particularly those here today, who all care about dogs—to ensure that there are fewer dangerous dogs and that the law protects the public from dangerous dogs but is not draconian toward dog owners, who in nearly every case simply want to do the best for their best friends.

2.47 pm

Martin Horwood (Cheltenham) (LD): I declare myself to be a dog lover and the president of the Cheltenham branch of the Royal Society for the Prevention of Cruelty to Animals. The situation that we face seems grim. The statistics obtained by my hon. Friend the Member for North Norfolk (Norman Lamb) show a dramatic rise in hospitalisation resulting from dog bites. In 2002, there were fewer than 3,000 such incidents, but in 2006-07 there were 3,787. The rise in my strategic health authority area in the south-west is even greater: the number of such incidents there has gone up by 53 per cent. in those four years.

The RSPCA statistics on calls relating to dog fighting are also dramatic. In 2004, the organisation had 24 such calls. By 2006, the number had risen to 137 and in 2007, the organisation received a staggering 358 calls specifically about dog fighting. Behind those statistics lie some terrifying individual examples, some from my constituency. When I visited Cheltenham animal shelter last year, I saw an American pit bull-type dog called Benny. One of the problems with the 1991 Act is that the breeds are often difficult to identify precisely. That dog had attacked a series of other dogs and had left a number of them—possibly as many as four—dead. It had then attacked and badly bitten an owner who had tried to defend his own pet. It proved rather difficult to identify the owner of the dog that attacked the others, but the animal was retained as evidence by the Cheltenham animal shelter, apparently while still alive, but it said that if the Crown Prosecution Service decided not to prosecute because the case was not strong enough, or if the prosecution failed, the dog would have to go back to the apparent owner, even though the experts at the animal shelter were quite convinced that it was a threat to other animals and to human beings.

There was an even more widely publicised case in Cheltenham involving Alfie, an American bulldog cross; again, that is not one of the breeds specified in the Act. The dog was being set on passers-by by people who may or may not have been its owner. It finally hospitalised my constituent, Martin Merenko. The dog was shot, but it had already paid three visits to the Cheltenham animal shelter, which was unable to retain the dog because it did not have the power not to return the dog to the owner, as the dog had not, at the time in question, done the requisite amount of damage. However, the animal shelter staff could tell, as experts, that the dog's behaviour was such that it was a danger.

As an hon. Member has said, the problem is not just the most extreme cases, but those lower-level incidents that are warning signs and precursors to other attacks. My constituent Derrick Pepperell had to defend his terrified four-year-old granddaughter, Emily, from three fighting dogs in Hatherley park in my constituency. Again, apparently no action could be taken in that case. That was obviously a warning sign that something more dangerous might happen in future. My constituent Sharon Martin wrote to me about her dog being repeatedly attacked. The animal responsible had not at that stage attacked a human being. She said:

"My dog was not the only dog that day to be attacked by the same vicious dog. No-one is coming forward to claim this animal and I have now been told by the police (after many phone calls) that the animal will be destroyed...But there are still more of these animals out there. I see them every day. I alone have paid a

[Martin Horwood]

£400 vet's bill, I dread to think of the other owners' bills. I want to know what you intend to do about these dangerous dogs."

When I questioned the police about that case, they told me that their practical notes said that

"In a statement of complaint,"

which is apparently what the case was,

"the victim must identify the dog. It is usually necessary for the victim to then identify the dog in the presence of the owner and the investigating officer."

That is not in the realm of reality.

We need drastic reform of the dangerous dogs legislation, and as the hon. Member for Romford (Andrew Rosindell), the RSPCA and the Associate Parliamentary Group for Animal Welfare have rightly said, a key factor must be shifting the emphasis from the breed—there is a rather obscure list of breeds that many people have never seen—to the deed. I would take the advice of the Cheltenham animal shelter and the RSPCA a step further and reintroduce dog licensing, based on a self-financing microchip scheme.

Jonathan Shaw: I am grateful to the hon. Gentleman for giving way; he intervened on me two or three times. The hon. Gentleman can get a leaflet that we have published, which provides all the names of the breeds. The issues that he raises on behalf of his constituents are of great concern, and if he provides me with the details, I will happily look into the cases, because I am concerned that the law is not being properly enforced.

Martin Horwood: I am very grateful for the Minister's comments, and I will pass on the details. The problem with the list is not that it is difficult to identify which dogs are on it, including the Japanese Tosa and the Dogo Argentino, but that in many cases people have never seen those dogs in their areas. Most of the damage is done by cross-breeds and other such animals that are quite difficult to identify, hence the need to emphasise dangerous behaviour, and to empower local agencies, such as local councils, the police and the Cheltenham animal shelter, to impound dogs that exhibit behaviour that they know will cause those animals to be a threat to individuals and other animals. Local bodies must be given that power.

As I say, we should move to a self-financing microchip licensing scheme. The Minister expressed doubt about the cost of that. The Dogs Trust administers a scheme for, I think, £10 a dog. Even if a national scheme charged three times that, £30 is still an affordable cost for dog owners. In fact, if a dog owner cannot afford £30 for a licence, how could they possibly afford to keep and feed a dog of the kind that we are discussing? We face a terrifying rise in injuries and incidents, and that rise must be stopped. The hon. Member for Romford suggested that we wait for a Conservative Government to take action, but I suspect that that might be some time coming. If this Government were to take drastic action, we would certainly support them.

2.54 pm

Martin Linton (Battersea) (Lab): It may seem a strange reflection that hon. Members would not have to go far from the House to find places where dog fighting is a problem. I could take them to an estate within a mile and a half of the House, where I get constant complaints about the use of dogs for dog fighting, crime and intimidation. Residents on such estates queue up to sign my petition against dangerous dog owners, urging greater use of antisocial behaviour orders and enforcement of tenancy conditions to control the problem.

I have tabled an early-day motion, which I am sure my hon. Friend the Minister has seen, which deals with measures that the Government can still take. Although I praise many of the steps already taken, I still urge my hon. Friend to consider further measures. My hon. Friend the Member for Brigg and Goole (Mr. Cawsey) mentioned control orders for dogs to be destroyed, controlled, muzzled or re-homed, which are important, but I draw his attention to proposals for the compulsory microchipping of dogs, for a minimum age for dog ownership, and for powers to disqualify owners from having charge of a dog.

I agree with my hon. Friend that the reintroduction of dog licences would be ineffective unless it was backed up with enormous resources. I would be as sceptical as he and other hon. Members are about any proposal for further breed-specific legislation. The 1991 Act has already thrown up enough problems without our legislating further against other breeds. That is why I do not agree with the leader of my local council in Wandsworth, as I mentioned, when he suggested a £500 licence fee for owners of particular breeds, such as Staffordshire bull terriers. I think he mentioned four breeds.

It would be wrong to penalise the owners of those breeds in that way, and in any case it would be the responsible owners of Staffordshire bull terriers—I am sure that would include the hon. Member for Romford (Andrew Rosindell)—who would pay the licence, and the irresponsible owners, of whom one has to admit there are quite a few, would try to get away without paying.

The hon. Member for Cheltenham (Martin Horwood) mentioned microchipping. That is already automatic for organisations such as the Battersea dogs and cats home in my constituency, and it is routine practice for vets. I am sure it is strongly encouraged by the Government in their guidelines, which I understand are due out later this summer. The next logical step is to make microchipping compulsory. I realise that that could be described as a form of licensing, because the microchip would contain information about the dog's home and owner, but it is a practical measure that does not involve the amount of paperwork that was necessary with the old licensing system or the kind of paperwork that was mentioned.

Microchipping would make everybody's job much easier—the police, the RSPCA, the dogs home, the dog wardens. All of them would benefit greatly from being able to identify a dog's owner and locate its home instantly. The charge often made for microchipping is £25, and it would be a hugely popular and practical move. I believe Wandsworth council is already considering making microchipping of dogs a condition of council tenancy agreements.

Angela Watkinson: I accept the advantages of microchipping and licensing that the hon. Gentleman has just explained, but the one downside is the many elderly people, perhaps on modest incomes, who rely on

companion animals and get great pleasure from owning them. If the process was expensive, it could preclude those people from owning pets.

Martin Linton: If microchipping were made compulsory, it would have to be introduced gradually. It would apply to new pets to start with, and consideration would have to be given to the cost. Not every dog owner could be guaranteed to be able to afford it. The microchip itself costs only a couple of pounds, so the Battersea dogs and cats home and other refuges could help those who could not afford it themselves.

Martin Horwood: Does the hon. Gentleman agree with the point that I made—that if a dog owner cannot afford £10, £20 or £30 for a dog licence, they are unlikely to be able to afford to keep and feed a dog properly?

Martin Linton: Indeed, it costs several pounds a week to keep a dog, but I do not see cost as something that precludes progress on microchipping.

Having a minimum age for dog ownership in a sense presupposes a licensing system because it means that every dog has to have a named owner who is above that stated age. Dog control units say that the major problem nowadays is with dog owners aged about 13 to 17—teenagers who, because they cannot have a gun or a knife without running the risk of enormous sentences, have an aggressive dog as the next best weapon. In some respects, a dog may be an even better weapon to use to intimidate, threaten and frighten people. I realise that a minimum age of 18 would, however, prevent parents from giving their child a puppy of their own to look after, which can be a very educative experience for a child. Of course, children who own a dog never really take full responsibility for it, so I would have thought that the law should recognise that dog ownership carries with it certain responsibilities that can be borne only by an adult. Having powers to disqualify owners from having charge of a dog obviously requires a legal owner, but legal ownership could be determined simply by the microchip in the dog rather than by some expensive national register.

I would like to pay tribute to the work of the Dangerous Dogs Act study group, which the Minister mentioned. It has produced some detailed proposals, which I hope he will consider carefully, because that serious and responsible group has sought the common ground between the interests of dog owners and the public and put forward proposals that respect the concerns of both. The group has rightly pointed out the flaws in breed-specific legislation, but has not called for the repeal of the Dangerous Dogs Act, which I think would be a mistake. Although it does not support a return to licensing, it supports the creation of a database containing the details of those owners found to be in breach of the Act.

As I say, the Government deserve enormous credit for the many measures they have introduced that have had an impact on dangerous dogs. Antisocial behaviour orders, which have proved to be a very useful weapon to deal with dangerous dogs, are a case in point. Safer neighbourhoods teams—a constant presence on estates—can also play a useful role. Under the powers introduced in the Clean Neighbourhoods and Environment Act 2005 dog control orders can be issued to put dogs on leads, dogs are prohibited from certain areas such as playgrounds and owners who do not pick up dog mess may be penalised. It also restricts the number of dogs in any particular area.

Concern about dangerous dogs is exceeded by only one other issue in my area—that of dogs' mess, which can in its own way be dangerous to children. Of course, the 2005 Act allows the issuing of an £80 fixed penalty notice—my local authority is currently considering it—for any breaches of its terms. A fixed penalty notice cannot be fixed on a windscreen and it must be served on the owner—I do not know exactly how the scheme works. The really important issue, identified by the Minister in his opening remarks, is enforcement. New legislation has a part to play, but most of the problem relates to enforcement.

Wandsworth has a dog control unit of six—one of the largest in the country. I pay tribute to Mark Callis, the senior dog control officer who is also a member of the study group that I mentioned, for doing such a good job. It is one of the bigger units in the country, but six people in a borough of 300,000 is a drop in the ocean. We must either expand those units or find another means of enforcement.

Mr. Hands: I am delighted to hear the hon. Gentleman's praise for Wandsworth council, but does he agree that six dog control officers are considerably more than most similarly sized boroughs have? The council does a pretty good job.

Martin Linton: Indeed. My point is that even though Wandsworth has one of the larger dog control units, it cannot check on all the dog problems in a borough of our size. The constant complaint that I hear is that people never see the dog control unit. That is not a criticism of the dog control unit at all, but it is, by its nature, very thinly spread.

We need to think more carefully about the role of other enforcement agencies in dealing with the problem. Safer neighbourhood teams have powers to deal with cycling on pavements, litter and fly-tipping, so perhaps they should play a bigger role, through the Clean Neighbourhoods and Environment Act 2005, in enforcing the legislation, as it is impractical to expect dog control units, unless they were much bigger, to do so.

In conclusion, the trend in the past few years has been towards dogs being used for intimidation and crime by quite young, inexperienced dog owners who, because of their inexperience, sometimes let their dogs become quite aggressive and uncontrollable. It is sometimes said that dogs have become a fashion accessory. I fear that they will become a crime accessory and used more and more aggressively as weapons of intimidation, which will lead to public opprobrium on dogs and dog ownership in general and people calling for much more draconian legislation. Some further changes in the law, in the same direction in which the Government have already moved, would help to deal with the problem. I urge my hon. Friend the Minister to consider those points.

3.6 pm

Mr. David Amess (Southend, West) (Con): I congratulate my hon. Friend the Member for Romford (Andrew Rosindell) on his debut at the Dispatch Box. In every sense, he was a howling success.

[Mr. David Amess]

We are supposed to be a nation of animal lovers. It can be argued that, in comparison with some other countries, we treat our animals in a civilised way. Perhaps hon. Members will correct me, but we do not eat dogs in this country—I have never been in a restaurant that served dog. The dog, of all animals, is held dearly in the hearts of everyone. As my hon. Friend the Member for Upminster (Angela Watkinson) said, for many people, their dogs are their lives.

Like my hon. Friend and others in the Chamber, I have a dog—a black Labrador called Michael. It was given to our family by my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) and came from the home of Rab Butler's son, so in every sense our black Labrador is a true pedigree. That said, Michael probably qualifies as the laziest dog in the world. However, he triumphed this year at the Westminster dog of the year show, winning two prizes—the reason he got two prizes was that I threatened the judges, but I shall not go into detail.

While I am talking about medals, I hope that the Minister will privately send me a note saying when the Land Army girls will receive their medals. I thought that it would happen in June or July, but I have not yet received a note from his office.

I very much agree with the remarks of the hon. Member for Brigg and Goole (Mr. Cawsey). He is not only a consistent champion of animals, but a distinguished member of MP4, whom I and others had the opportunity of enjoying a few weeks ago.

I have listened carefully to the criticisms of the Dangerous Dogs Act 1991. Mr. Deputy Speaker and I are probably the only hon. Members present who were in the House when it was introduced. I remember it clearly, and—*[Interruption.]* I do apologise; I did not see my hon. Friend the Member for Christchurch (Mr. Chope), a fellow member of the 1983 intake. He was certainly in the House in 1991, too. The noble Lord Baker of Dorking did the right thing at the time, because there was tremendous public pressure for legislation. Seventeen years on, I would be the first to admit that perhaps we need to look at the legislation again.

As my hon. Friend the Member for Upminster said clearly and as the Minister knows, the problem is not with dogs but with their owners. As Members of Parliament, we are only too well aware of the problems of life today; what we need are solutions. As I gently said to my hon. Friend the Member for Romford, the proposals are splendid, but I am slightly concerned about how we will deliver them in practice.

Mr. Christopher Chope (Christchurch) (Con): I am grateful to my hon. Friend for drawing me into this debate, because he reminds me that the then Minister dealing with the matter, Angela Rumbold, was put under a lot of pressure to include Rottweilers in the category of dangerous dogs. As the owner of a Rottweiler, I was able to demonstrate to her that that would be extremely unjust.

Mr. Amess: My hon. Friend is right to remind the House of his love for dogs and the situation of Rottweilers. It is a difficult conversation to pursue, because we all have favourite dogs. I can understand why there is perhaps a slight impression that a Rottweiler is quite a powerful dog—with which, I think, my hon. Friend would agree—and in the ownership of the wrong sort of person might display slightly aggressive tendencies. To label Rottweilers as dangerous, however, is absolutely wrong.

The 1991 Act has undoubtedly been responsible for a number of dogs being kept in kennels for years—costing a huge amount of money—or euthanased simply because of their breed, which the House agrees is wrong. Section 3 gives individuals the right to legal recourse against owners whose dogs attack them, but it applies only when the dog is in a public place, or a private place where the dog is not permitted to be. Individuals have no legal protection at all in a permitted private place. That is an inadequate part of the 1991 Act.

The Minister is not the sort to pay lip service to this topical debate; he will be a man of action and do something as a result of our hour-and-a-half discussion. The Dangerous Dogs Act study group has real expertise and I support its endeavours to replace the provision in the Act with the deed-not-breed principle. There is currently no provision for an owner to apply to a court for a seized dog to be returned. I agree with other Members about section 1, which predicts a dog's behaviour based on its physical confirmation. It placed on the index of exempted dogs those that had never been proven to be dangerous, which is wrong.

High-profile attacks against children have taken place, but they make the news for a few days and then seem to be forgotten. The approach of Members who are interested in animal welfare should be more robust and consistent to ensure that such tragedies do not happen in future.

Mr. Paul Truswell (Pudsey) (Lab): All Members appreciate that it is always difficult to legislate on the basis of high-profile and emotive cases, but the concern of our constituents—and certainly mine—is the huge increase, to which previous speakers have referred, in the number of incidents, not just the high-profile cases.

Mr. Amess: I agree with the hon. Gentleman, who makes an excellent point. I hope that something comes out of the debate, because, as he said, the danger posed by dogs whose physical and mental well-being is not cared for by their owners is seriously underestimated.

As someone who takes dogs for a walk—it is the most gregarious activity that I know of—I am appalled by those owners who let their dogs off the lead knowing full well that it is likely to have a go at another dog. Time after time, the owners who are not responsible let the majority of responsible dog owners down.

More dogs are being bred in deprived urban conditions, which is leading to an increased threat of attack. I am advised that the number of dog attacks requiring medical treatment has doubled to 4,000 over the past four years. That is a huge number. My hon. Friend the Member for Romford wants a deed-not-breed policy, which I certainly agree with. I also agree that legislation should address the danger posed by certain dogs, but with the emphasis on their physical and mental well-being as the key, the responsibility for which should be placed squarely on the dog owner.

I end with a few positive thoughts. Like the hon. Member for Brigg and Goole, I hope that we do not lose the legislation; there must be a window of opportunity somewhere to amend it. We should consider the aggravating

element in attack cases by examining the breeding conditions and welfare provided by the owner. We should reduce unnecessary red tape in the 1991 Act, because it does contain a lot of it. We might have to convince the Minister of this, but we should open the index of exempted dogs to owner-led applications to prove that the dog is not dangerous. That would address the problem of dogs being bred for antisocial reasons and secure more prosecutions against irresponsible owners. We should also elevate the priority that local authorities and the police give to dealing with dangerous dogs and clamp down more vigorously on the terrible sport of dog fighting.

Finally, I and other hon. Members had the joy of meeting Bruce Forsyth in the Pugin Room recently, together with his daughter Debbie Matthews, who works for an organisation called Vets Get Scanning. I hope that at some stage we can have a meeting in the House with Bruce Forsyth and his daughter and that they will convince us of the value of Vets Get Scanning.

I join others in saying that the debate is welcome. I am putting a heavy responsibility on the Minister, who will be, as we all are, judged by his deeds, to ensure that something positive comes out of it.

3.17 pm

Mr. Greg Hands (Hammersmith and Fulham) (Con): I want to talk about two aspects. The first is dog fighting. The second is some of the success that Hammersmith and Fulham council is having in combating dangerous dogs in general. I have already referred to an Adjournment debate that I had last May on dog fighting. At that time, Hammersmith and Fulham faced a crisis given the amount of dog fighting and ancillary activity that was going on in the borough.

The phenomenon has been around in London for a long time. It probably peaked about a year ago in my borough and came on to my radar screen about three years ago. It first arose from a chance encounter with the chairwoman of the Clem Attlee, Maton and Rocque tenants association, which represents one of the largest estates in Fulham, who mentioned the problem to me. At first, I was surprised and genuinely taken aback that this mediaeval practice could be going on in what is not one of the poorest London boroughs.

I was told about pre-arranged dog fights on the Clem Attlee sports pitch. It struck me as extremely strange and dangerous. Not only did it take out of action a precious community facility that is much needed on the estate, but it created a danger to both humans and dogs. As it turns out, the dog fights were relatively rare, but an awful lot of behaviour connected with dog fighting causes enormous difficulties in local communities. The problem was not only organised fights on the sports pitch, but intimidating activity before fights, which involved dogs being lined up inside and outside the pitch area to snarl at each other and to prospect for a fight in the future.

At first, I thought that the problem might be a one-off that was restricted to the Clem Attlee estate, but following further research I found that it was happening in various places across Hammersmith, including the White City estate, the William Church estate and De Palma court. Partly due to the good work of Hammersmith and Fulham federation of tenants and residents association, I also found out about a couple of dog-breeding factories in my constituency, one of which was discovered in Adam walk and the other in Flora gardens.

A lot of criminality and unpleasant behaviour surrounds dog fights—for example, gambling takes place. Sometimes the dogs are traded, and they can fetch between £1,000 and £2,000 on the secondary market. Many of the fights are recorded, which is the canine equivalent of happy-slapping, and the DVDs and videos are sold around the place.

The training of dogs for fighting causes grave damage to community facilities. Such dogs are generally trained in parks and woodland, and one practice involves hanging a dog from a tree in a effort to strengthen its jaws for fighting. If one went to Wormwood Scrubs, or even to Ravenscourt park in Hammersmith, a year ago, one would have found a lot of damaged trees that had been used for training dogs. Dogs were even hung from the horizontal crossbar of children's swings. I am no expert on play equipment, but I imagine that that can only have done harm to play equipment in addition to its being an extremely intimidating activity for anybody using it. Furthermore, the practice is extremely harmful to the psychological and physical well-being of the dog.

Fortunately, Hammersmith and Fulham council introduced a full set of dog control orders last year, and I have been told that they have been extremely effective. Our council takes the phenomena surrounding antisocial behaviour extremely seriously, and, as with almost everything else involving the council, things have improved enormously in the past two years.

Mr. Greg Knight (East Yorkshire) (Con): We are discussing not only antisocial behaviour, but, given the circumstances that my hon. Friend has described, animal cruelty. Is there not a good case for ensuring that owners who hang their dogs from trees are prosecuted and, let us hope, banned from keeping animals for a certain period of time?

Mr. Hands: My right hon. Friend's intervention takes me to my specific proposal, which is to make it a criminal offence to breed dogs for fighting. He is right to say that such practices involve more than antisocial behaviour and should be made a criminal offence.

We have heard about BARK in Brent, and we have our own BARK—Borough Action for Responsible K9s—that takes a multi-agency approach to the problem and involves the council, the Metropolitan police, housing associations, the RSPCA and the Mayhew animal home. In the past few months, it has nipped several cases in the bud. For example, a pit bull terrier was found, photographed and sent off for seizure and, in other cases, owners have agreed to take training classes for their dogs. These are early days, but we are turning the picture round in Hammersmith and Fulham, although a number of serious incidents still happen.

My only specific recommendation is the introduction of the offence of breeding dogs for fighting. More generally, we should cut bureaucracy around the issue, which is the point that the council has stressed to me most strongly—I know that other hon. Members have also made that point. Taking action on dangerous dogs is expensive given the kennel fees, and it can lead to an awful lot of paperwork for police officers and local authority officers.

3.24 pm

Jonathan Shaw: I thank all hon. Members who have contributed to the debate, which has been measured. They have provided constituency experiences, passion and a proud history on animal welfare. I did not congratulate the hon. Member for Romford (Andrew Rosindell) on his first appearance at the Dispatch Box for the Opposition, which was remiss of me, so I now extend my congratulations to him.

One of the key themes running through the debate has been that of enforcement of the existing rules. The hon. Gentleman said that the Opposition will have a review. As I said in my opening remarks, we have had a review in which we had a discussion on the matter with the police and agencies, and it is clear that there is a lack of enforcement, which is patchy across the piece. We have done two things: first, we have published a leaflet for members of the public to provide them with clarity about the law; and secondly, we have worked with the RSPCA and stakeholders, including some of the councils referred to in the debate, as well as the Association of Chief Police Officers. With financing from the Department for Environment, Food and Rural Affairs, that group will produce a guidance leaflet for enforcement agencies so that we can get that important uniformity we need across the piece.

Mr. Truswell: Will the Minister give way?

Jonathan Shaw: No, I will not.

We understand that ACPO is looking to form a police-wide group because it believes that the infrastructure is in place for the police service and local authorities to join up more. That is what hon. Members have asked for. We want that approach to develop, so we are looking forward to ACPO forming that group to assist us in that. The police would be the first to admit that enforcement of legislation could be improved, and I very much welcome the formation of that group. We could be motivated to rush to legislate, but we need that group to be formed. We need to give it time to consider the question of uniformity of enforcement across the piece.

Examples have been given of where things are working well. The hon. Member for Hammersmith and Fulham (Mr. Hands) said that there was a problem, but that the powers are now being used and things are better. My hon. Friend the Member for Battersea (Martin Linton) said the same thing. I was very concerned about the cases in the constituency of the hon. Member for Cheltenham (Martin Horwood), and I shall look into them. Everyone agrees that enforcement is patchy, but before we rush to legislate, let us ensure that the rules on the statute book are clear and that the enforcing authorities have the means to put them to the test properly.

Many hon. Members made some important points; as I said, I congratulate the hon. Member for Romford. My hon. Friend the Member for Brigg and Goole (Mr. Cawsey) talked about options available in the courts; they have a range of different measures available to them. For example, the Dogs Act 1871 allows a court to impose any order it thinks fit, and I can bring other orders to his attention. My hon. Friend the Member for Battersea campaigned on the issue in his constituency, and he raised the issue of microchips. We think that enforcement of such a policy would be problematic, but we want to improve the situation.

The hon. Member for Southend, West (Mr. Amess) talked about his lazy dog, and I will tell him about the land-girls. He also received a Rottweiler intervention from the hon. Member for Christchurch (Mr. Chope). Both of them were around when the previous dangerous dogs legislation was introduced. The hon. Member for Hammersmith and Fulham gave some good examples of where his council is working well.

We are grateful for the contributions of hon. Members. We take the matter very seriously. When we had that horrific case last January—

It being one and a half hours after the commencement of the proceedings, the motion lapsed, without Question put, pursuant to the Temporary Standing Order (Topical debates).

Private Business

Manchester City Council Bill *[Lords]* (By Order)

Order for Second Reading read.

3.29 pm

Mr. Deputy Speaker (Sir Alan Haselhurst): Before I call the hon. Member for Manchester, Central (Tony Lloyd), I should inform the House that although we are dealing principally with the Manchester City Council Bill, it will be in order for Members to refer, where appropriate, to any or all of the six Bills listed on the Order Paper.

Mr. Christopher Chope (Christchurch) (Con): On a point of order, Mr. Deputy Speaker. Following your ruling, can you intimate what will happen at the end of the proceedings? Will the Bills be voted on seriatim, or will they be voted on together?

Mr. Deputy Speaker: While a blocking motion is in place, they will not be voted on at all. We will see how the debate proceeds, but the position is not as it would be if we were discussing private Members' Bills. This is a different procedure, and the blocking motion prevents the Question from being put on the Second Reading of the other Bills.

Tony Lloyd (Manchester, Central) (Lab): I beg to move, That the Bill be now read a Second time.

I suppose I should congratulate the hon. Member for Christchurch (Mr. Chope) on his assiduity in managing to bring us six Bills for the price of one—a six-for-one offer of which many street traders would be proud.

I shall try to be relatively brief. The Manchester City Council Bill and the five other Bills on the Order Paper seek to achieve a number of common purposes. There are slight variations between them, but essentially their purpose is to control street trading in six geographical areas, and to deal with a point of contention by regulating in a way different from that specified in the Pedlars Act 1871. The role of pedlars is, I think, the meat of the argument.

Let me deal first with the way the Bill affects licensed street traders. In my city, the council has to a large extent worked in tandem with street traders, who are licensed under the Local Government (Miscellaneous Provisions) Act 1982 and work within the framework of that legislation. On occasion, however, matters of concern arise. From time to time, it is obvious that even those with legitimate street trader licences are operating outside the spirit of the Act. The council is now asking for a power that already exists in London, Liverpool and a number of other cities: the power of seizure and forfeiture of goods that are being sold against the clear interests of the general public, such as counterfeit goods or goods that simply do not do what the traders claim that they do.

Mr. Ian Liddell-Grainger (Bridgwater) (Con): Can the hon. Gentleman be more specific about the type of goods involved? As we know, many pedlars sell a vast range of goods. Is the hon. Gentleman referring to white goods, goods brought in from overseas, or goods that are potentially illegal?

Tony Lloyd: Any of those might be involved. I should emphasise, however, that I am not yet talking specifically about those who use the pedlars licence. I am talking about those who apply for street traders licences. The distinction is important, as the meat and drink of the Bill applies to pedlars.

John Battle (Leeds, West) (Lab): One of the other councils bidding for a change in the rules is Leeds city council. It is controlled by the Liberal Democrats and the Conservatives, so I think there is some political consensus on the matter. I understand that it is possible to obtain a pedlars licence from the police for £12.25, and then go to sell goods not in Leeds but in Blackpool. Would it not be better if the council controlled its own streets, and could use the street trading laws to regulate what is sold on the streets to ensure fairness for everyone in the vicinity?

Tony Lloyd: My right hon. Friend is absolutely right, but I shall come on to the specific question of pedlars shortly, as I first wish to clarify the situation concerning those using the street traders licence.

Seizure and forfeiture are specific powers that are used in, for example, London to clear away the unregulated—those who abuse the street-trading licence system. The example is often given of hamburger and hot-dog sellers who operate in a way that is inconsistent with the licence and that causes public nuisance.

Mr. Chope: Does the hon. Gentleman accept that anybody who regularly crosses Westminster bridge, as I do, would recognise the weakness even of seizure and forfeiture, because there are hamburger stalls on that bridge almost continuously, yet they do not seem to be seized or forfeited?

Tony Lloyd: I cannot, of course, speak on behalf of Westminster or Lambeth councils—I am not quite sure where in relation to the dividing line between them on the bridge these rogue traders operate—but the power does exist across London. The hon. Gentleman is assiduous in putting forward his points of view, so I am sure he could raise this matter with the Westminsters and the Lambeths in order to make sure they use the powers they have. I join him, however, in saying that the powers should be used—and Manchester, Leeds, Canterbury, Bournemouth and others want these powers under the street trading legislation.

The second change to normal street trading would be the issuing of fixed penalty notices. They have been found to be useful to prevent acts such as littering. That is a relatively light penalty in the grand scheme of things: it does not revoke licences, but it does allow the local authority to have the control to prevent unnecessary public nuisance and to bring to the attention of traders the need to conform properly to their wider social duties.

The final significant change in street trading licences is the extension of the current definition of simply "goods" to "goods or services". In my city, an issue has arisen to do with the provision of services such as teeth

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whitening. Many people think that, regardless of whether the provision of teeth-whitening services on the streets is desirable, that ought to come under the same form of regulation as the sale of goods such as wristwatches on the streets. Bringing in parallel provision for services and goods is a simple and necessary step, and I hope that there is agreement on it.

Sir Paul Beresford (Mole Valley) (Con): I cannot resist rising to say something about teeth whitening. There is ample legislation to deal with that through trading standards and in other ways. Let me explain what I find curious about the hon. Gentleman's position. There are a very few councils that wish to extend their powers—penalties and so forth—but the majority of the councils in this country do not. I know that the hon. Gentleman represents Manchester and this is a Manchester Bill and he probably feels obligated to carry it forward, but has he not questioned why just a few councils want to do this, and the rest seem to be able to manage?

Tony Lloyd: There are a few councils before us today, but there is an increasing demand for these issues to be dealt with through national legislation rather than individual private Bills. Although six councils have applied for these powers today, London, Leicester, Liverpool, Newcastle, Medway, Maidstone and the whole of Northern Ireland have already sought equivalent powers. The hon. Gentleman refers to there being just a few councils, but if he adds up the total population base of those before us today and those who already take these powers, he will discover that we are talking about quite a large slice of the country—and, more importantly perhaps, a large slice of those conurbations that see themselves as being affected by, and attractive to, those who want to use, and are occasionally prepared to abuse, the street licensing system.

Mr. Julian Brazier (Canterbury) (Con): Perhaps I could add to that point. The problem for a number of councils, including Canterbury city council, which I represent, is that disproportionate numbers of pedlars have descended on the city and at times in the summer our high street is completely blocked by vast numbers of them. Given that all three parties are now nominally committed to localism, surely allowing local authorities the power to have a dispensation in these matters is a good thing.

Tony Lloyd: The hon. Gentleman makes a good point, which partly answers the question asked by one of his colleagues a few moments ago. The real issue is not why so few or so many councils want this power; it is that, where councils want and need this power, there is great sense in ensuring that it is available. That is what we are debating today, and I am delighted that this clearly is not a party political debate—it is a debate that joins together Members from across the Chamber.

Dr. Brian Iddon (Bolton, South-East) (Lab): Is my hon. Friend aware that the reason I proposed my Pedlars (Street Trading Regulations) Bill is because, apart from the six Bills before the House today and the seven that have already gone, there is, according to the Private Bill Office in this place, potential for 50 more of these Bills to be introduced? The Local Government Association has conducted a survey on my behalf, and we have received 74 responses from local authorities that very much want a Bill of this kind.

Tony Lloyd: That is a helpful piece of information. Of course, my hon. Friend has played a significant role in trying to get this concept at least debated in this Chamber and more generally.

Perhaps it would be opportune if I were to turn to the area of greatest interest: the role of pedlars. The Pedlars Act 1871 gives a wonderful definition of a pedlar as

"any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft".

Even the strongest promoters of the role of the pedlar would accept that that definition is a little out of date and antiquated; it refers to a time long gone. However, the legislation that regulates pedlars is that Act of almost 140 years ago.

I concede a point to the hon. Member for Christchurch, who I know has taken a keen interest in this matter. I do not want the remarks that I make today to be construed, in any sense, as dismissing the role of all pedlars, because there are pedlars who are perfectly legitimate traders seeking to provide a small service that adds colour to all our streets. I accept that the danger, as with any piece of legislation, is that we might make this legislation too heavy-handed. We do not want it to drive out the role of the genuinely desirable pedlar within that context. When Bournemouth borough council and Manchester city council presented their Bills to the upper House, they both gave certain undertakings about their recognising the need to treat with a light touch the role of those legitimate pedlars.

It must be accepted, as the hon. Member for Canterbury (Mr. Brazier) said a few moments ago, that in some circumstances pedlars abuse the licence. Some pedlars operate way beyond anything either for which the pedlars licence was intended or even that it is accepted in modern times as trying to achieve. Pedlars can be a nuisance on our streets and, because of the way the pedlars licensing system operates, they operate in a very different way from legitimate street traders.

A pedlars licence can be obtained virtually anywhere in the country by anyone claiming to have good character and who is resident in the area for no more than one month. I am told that the checking by the police, who issue pedlars licences, is minimal and the concept of "good character" is not properly defined. Any pedlar given a licence in any part of the country can move to any other part of the country with the same licence and operate as a pedlar. That means that pedlars operate under a very different framework from those with street traders licences. First, the pedlars licence is massively cheaper, and some may say that that is an advantage. Those with a pedlars licence have a commercial advantage over street traders, and that is seen as unfair by those who operate market stalls or who have proper street licences. They not only pay a bigger fee and make a contribution to the community more generally, but accept a tighter framework of regulation on their operations, in accordance with local need.

Mr. Chope: The hon. Gentleman seems to be attacking the Greater Manchester police authority for not complying with its statutory responsibilities in respect of the issuing of pedlars certificates. Can he tell the House how many pedlars certificates Manchester police have issued in the past year? In Dorset, by contrast, thorough checks are made on people who apply for pedlars certificates, so it may be an issue for the police rather than for Parliament.

Tony Lloyd: It may be a matter for the police, but in my city the problem is that it is not necessarily the Greater Manchester police who issue the pedlars licences to the pedlars who peddle on the streets of Manchester. I am delighted to learn that pedlars in Dorset are reliably checked, and no doubt we welcome every Dorset pedlar on the streets of Manchester. It may be that the pedlars who cause the nuisance and who run off with their goods when approached—and when asked if they pay tax, run even more quickly—are not from Dorset, but from other areas where the character check is not as rigorous as that performed by the estimable Dorset police force.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): The hon. Gentleman is making a cogent case. Is not the real problem that, whatever one's view of pedlars—under the present legislation they are entitled to peddle—it is very difficult to bring a prosecution against someone who abuses the rules? They have to be monitored and warned, and it is time consuming and expensive for any police authority to bring a prosecution against them. It is therefore very difficult under existing legislation to do anything about the small number who bring the rest into disrepute.

Tony Lloyd: The hon. Gentleman is right and that is the nub of the problem. Let us accept happily that many pedlars operate in a way of which we would all approve. However, there are those who abuse the pedlars licence in various ways, such as by their trading methods or by selling items of dubious value. The innocent customer may be unable to obtain redress in the event of product or service failure, because the pedlar is long gone by the time the product is found to be defective. Sometimes, as in my city and, obviously, in Canterbury, the individual's behaviour is assertive or aggressive—or the collective behaviour of a group of pedlars leads to the same level of social deterioration. In any case, it is difficult to enforce any sanction under the present legislation.

The police do not see this as a priority. In my city, they are quite busy with a number of other issues. It is more appropriate that it should be for the local authority to enforce the legislation through other means, but they need the power to do so—

Mr. Brazier: The hon. Gentleman has left the most important example off his list, although he mentions some valid problems. Pedlars are meant to be mobile, but many stay in one place. A council can take a view on how many street licences it should issue, but then finds that many people claiming to be pedlars stay on its high street, and that is the problem.

Tony Lloyd: Again, the hon. Gentleman moves me on to my next point. That is what is unfair about the pedlar who abuses the system. Stall holders who pay business rates, operate in a proper framework of regulation and demonstrate a proper desire to work with the local authority and the wider community face competition, which they accept goes with the street trader licence, albeit that the licence carries fewer overheads and all the rest. Street traders and shopkeepers find themselves disadvantaged when they are in competition with the pedlar, who has no regulation and can effectively sell what he wants because of the almost total lack of control that we have discussed. The problem in all that is that the ability to control the pedlar is minimal.

Although the concept of peddling is, in common-sense terms, one of constant movement—the door-to-door trader, or even the person who walks the streets with helium-filled balloons or miniature kites, whom my hon. Friend the Member for Bolton, South-East (Dr. Iddon) is concerned about—the person with the fixed stand on wheels has to move only every 20 minutes, as case law has demonstrated. As long as the stall is effectively mobile enough to move a matter of yards down the street, the person can avoid the street trader legislation and, as a pedlar, producing a peddling licence, can say, "I am operating within the technical limits of the law." The technical limits of the law are not fair to the proper street trader or stall holder.

Mr. Paul Truswell (Pudsey) (Lab): Has not my hon. Friend put his finger on one of the major logistical problems of enforcing the legislation as it stands, which is keeping track of whether pedlars are moving every 20 minutes or not?

Tony Lloyd: In the end, that is the real issue. Do we really want the police to spend huge amounts of time chasing round and checking after 19 minutes and 59 seconds whether the pedlar has moved far enough away to guarantee that they fit the framework of the Pedlars Act? Of course, it would be nonsense to ask for that to be done. Both the local authority and the police would end up spending massive amounts of time, sometimes intensely in short bursts, to try to rectify a problem that would simply come back again as soon as the intense effort disappeared. That is central to the case.

Mr. Clifton-Brown: I am interested in the genesis of the hon. Gentleman's Bill. When he originally discussed it with his council, did he discuss the alternatives? Has he discussed the alternatives with those on his Front Bench? Would it not have been better to bring forward national legislation to deal with the problem across the entire country rather than dealing with it one council at a time? Surely if we deal with it one council at a time, we could be merely transporting the problem to a neighbouring council.

Tony Lloyd: Both parts of the hon. Gentleman's question are legitimate. That would be desirable, and I hope that my hon. Friend the Minister is listening to that plea, which he will hear from all sides of the debate. The most sensible way forward is to have a national framework. It is better in any case, because—let me be honest—I would not recommend the private Bill process to anybody. It is arcane and difficult and it gives disproportionate influence to those who oppose the Bill. They are right to exercise that opposition—I am not complaining—but it would be better to have the debate in the context of a national framework, which could allow local variation. Not all local authorities

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would need to buy into it if they did not want to—it would not be mandatory. A national framework would be better.

Sarah Teather (Brent, East) (LD): To pick up on that point, a general law, of which the Bill promoted by the hon. Member for Bolton, South-East (Dr. Iddon) is an example, would allow councils to adopt that measure through byelaw. It would allow secondary legislation to create a national model and it would increase transparency for those itinerant traders who move across borders. They would not know whether there was a law enacted, but they would know what type of law it would be if it were.

Tony Lloyd: The hon. Lady is right and what she says very helpful, as it shows that there is joined-up, cross-party agreement on the need for action. I hope that the hon. Member for Christchurch and my hon. Friend the Minister will accept that there is no downside to our moving forward together on this matter.

Dr. Iddon: Is my hon. Friend as concerned as I am about the utter waste of public money involved in all this? Each of the Bills before us costs its local authority about £100,000, given the amount of their officers' time that is taken up. The one for Newcastle is alleged to have cost nearly £200,000.

Tony Lloyd: If anyone could do the calculation faster than I, it would be my hon. Friend. An awful lot of pedlars licences would have to be sold to get back the £100,000 that it costs to promote such a Bill. It would make a lot of sense not to go through the private Bill procedure and to have national legislation instead, but at the moment we have a patchwork: some authorities have got their private Bills through the House already, and, as has been noted, many more are in the pipeline. The private Bill procedure is not a sensible way to introduce common standards of this type. A different approach would be better.

Sir Paul Beresford: The hon. Gentleman is being very convincing. He has convinced me that we should drop these Bills here and now and look to the Government for some national legislation. The financial savings would be enormous, and we would not be puzzling over the reasoning now.

Tony Lloyd: I am reasonably grateful for that intervention. If the hon. Gentleman could promise me that he will persuade my hon. Friend the Minister to agree to what I am proposing before the end of today, I would cheerfully go along with him. In the short term, however, I must keep my promise to the beleaguered citizens of the city of Manchester and its good traders—whether they are shop traders, street traders or pedlars—that we will introduce proper regulation to deal with rogues by pursuing the private Bill before us.

Mr. Tobias Ellwood (Bournemouth, East) (Con): The hon. Gentleman is making a powerful argument. I hope that we get an opportunity later to speak to the Bournemouth Borough Council Bill, which is very similar to the one for Manchester. I see that my hon. Friend the Member for Mole Valley (Sir Paul Beresford) is about to leave the Chamber, but before he does so I hope that I can convince him on the need to rely on local legislation in the absence of proposals from this Government, or from the Conservative Government who will follow after a general election. Each council that has to put up with illegal pedlars has to pay out far more than £200,000. Every prosecution costs at least £1,000, but each pedlar who is found guilty is fined only £100. Does my hon. Friend—I mean the hon. Gentleman—agree that that is absolute madness?

Tony Lloyd: I can be the hon. Gentleman's hon. Friend today, that is okay. Of course I agree with him, and he is right to say that the problem facing the people of Bournemouth exactly parallels the cases described by the hon. Member for Canterbury, my right hon. Friend the Member for Leeds, West (John Battle), and others. Exactly the same problem affects my own city.

I hope that I have done enough to show how the changes proposed in Bill will have an impact on street trading, and I am pleased that we have begun to debate the specific difficulties to do with pedlars.

Mr. Greg Knight (East Yorkshire) (Con): Will the hon. Gentleman give way?

Tony Lloyd: I want to make a few final remarks, but I will give way to the right hon. Gentleman.

Mr. Knight: I am grateful to the hon. Gentleman, who has told the House why he favours this Bill. In the interests of balance, will he say why some people in Manchester have petitioned against it? I believe that they include a Mr. David Murphy.

Tony Lloyd: As far as I am aware, there has been one petition in relation to Greater Manchester. It was presented to the other place, when the Bill was being considered there. The petitioner—quite rightly under our procedures—had the opportunity to be heard by Members of the other place, and it is important that people who object to a proposal are able to make their case there. In fact, I think the individual named wanted to get rid of the parts of the Bill dealing with pedlars.

I understand the arguments for pedlars and the arguments of those who seek to defend the rights of legitimate small traders. None of us wants them to disappear. As I said, the sellers of mini-kites and those who add fun and flavour to a hot day by selling children's balloons cause little nuisance and none of us would want that activity to be snuffed out. However, we want recognition that some people with a pedlars licence abuse the system—people who grab their goods and run down the street quickly when approached by the local authority. Such people are difficult to apprehend and control. They are engaged in activities that are not in the public interest; they sell inadequate goods and services and offer no redress to the customers they short-change. They operate in a way that the right hon. Gentleman would not countenance from traders in shops in his constituency. He should not expect the people of Canterbury, Bournemouth, Leeds or Manchester, or any of the areas that already have the powers or want

them, to forgo regulation simply from the romantic view that all pedlars must be a good thing—they are not.

Mr. Chope: I agree with the hon. Gentleman, who is being generous in giving way. May I press him a little more on the situation in Manchester? The Bill applies only to the city of Manchester. He did not answer my question about how many pedlars certificates had been issued by the Greater Manchester police authority. In fact, I can provide him with the answer—204 were issued last year. Were the hon. Gentleman's Bill to become law, those pedlars would not be able to operate in the city of Manchester with the freedom they have enjoyed hitherto, but they would be able to operate elsewhere in Greater Manchester. Will that not merely transfer the problem, just as under the Bournemouth Borough Council Bill problems in Bournemouth would be transferred to Poole or Christchurch?

Tony Lloyd: I think I should allow the hon. Member for Bournemouth, East (Mr. Ellwood) to answer the question about Christchurch.

The city of Manchester is the centre of a conurbation and an historical retailing hub, and it is the place that is the most attractive to pedlars. There is an out of town shopping centre—the Trafford centre, which is quite well known—but it is private property and no pedlar would be able to enter it to operate as a pedlar. One of the anachronisms in the legal status is that where people may be a real or potential nuisance, a private shopping space can refuse to allow them on the premises—the Trafford centre almost certainly would—but in public spaces, such as the city of Manchester, there are no regulations for moving pedlars on, whatever nuisance they cause.

I accept that there are decent pedlars whom none of us would want to snuff out, but there are others who abuse the system in all the six areas whose Bills we are discussing. The rogue pedlars—the difficult pedlars—not only give a bad name to those we want to support, but they cause great public nuisance either simply by their presence or by their unacceptable trading activities.

Mr. Rob Wilson (Reading, East) (Con): The hon. Gentleman has obviously looked closely at the potential impact of the legislation. Other places have introduced similar legislation, so can he describe its impact there to help some of us on the Conservative Benches to make up our minds? How many pedlars in the Manchester area have had their licence revoked, for example?

Tony Lloyd: It is not really a question of revoking pedlars licences. The point has been made several times, but I will repeat it for the hon. Gentleman's consideration. It actually does not matter how many pedlars licences are issued by the Greater Manchester police, because the people who peddle in Manchester may come from Dorset, Devon or Northumberland. A pedlars licence is national, which is one of the difficulties, because although it is necessary for street traders to be licensed locally, a pedlars licence can apply anywhere.

When a trader is licensed locally, there is local control—the sort of localism of which most people in the House would probably approve. With the pedlar, that localism does not apply—people with accents rich and varied from the many parts of this great nation of ours can come into Manchester. The problem is that among them are the people who sell dodgy watches, counterfeit goods and goods and services that simply do not work and rip off the public, or the people whose behaviour—through aggression or simply through sheer volume—is unacceptable.

That problem has been controlled in areas where the powers have already been taken, such as here in London. Despite the concerns of the hon. Member for Christchurch about Westminster bridge, be there nothing so fair, the truth is that the powers have been used successfully, for example, to control pedlars and to prevent their setting up hotdog and hamburger stalls, which traditionally caused a nuisance in this city.

Mr. Liddell-Grainger: I thank the hon. Gentleman for being generous with his time, but I do not understand one aspect of what he says about rude or aggressive people or people who sell illegal things. The Bill will not stop that. Those people will simply continue their trade and run away even faster when the police or trading standards officers come to get them. That has been proved in London and elsewhere, where the problem has continued. My hon. Friend the Member for Canterbury (Mr. Brazier) said, I think—I may be taking words out of his mouth—that 200 traders come to his constituency from overseas, mainly from Poland and so on.

Mr. Brazier: I did not say 200.

Mr. Liddell-Grainger: An awful lot of traders come from overseas, including Poland. I correct myself; it was my fault, not my hon. Friend's. That situation will continue regardless of the legislation before us. It will happen anyway, will it not?

Tony Lloyd: If there is a properly recognised local licensing scheme, whereby individuals have to apply to the local authority in the area in which they seek to trade, it will give the local authority significantly more power to determine who is there. If the hon. Gentleman is asking whether such a scheme will prevent the person who operates without a licence coming in, I should say that it will not of itself prevent that. However, it will give the local authority clear powers regarding the circumstances in which such people can be moved on.

The current problem is not the person who operates without a licence, but that, very cheaply and easily, people can obtain a pedlars licence and purport to trade sensibly. It is very difficult for the local authorities to control under the law as it currently applies.

Mr. Rob Wilson: I thank the hon. Gentleman again for giving way—he is being very generous with his time. Is he not concerned that in Manchester, for example, an annual street trading licence costs £625 a year, whereas a pedlars licence costs, I believe, £12.25? A severe blow could be dealt to somebody who is trying to go about an honest and honourable business.

Tony Lloyd: I am concerned, but not necessarily for the reason that the hon. Gentleman invites me to be concerned. I am concerned because the legitimate street trader, who in Manchester pays £625 and operates in conformity with the rules and regulations agreed by the

[Tony Lloyd]

local authority and the street traders, is in competition with somebody who does not conform to those standards, who undercuts the street trader and who operates more marginally with respect to regulation. In those ways, the hon. Gentleman draws attention to an important point: the unfairness is not necessarily against the pedlar who might face an increased licence fee, but against the street trader and the shopkeeper who face competition that, on occasions, is more than a little dubious. The hon. Gentleman rightly draws attention to that economic impact, but in almost the opposite way to that which he intended.

Mr. Truswell: Will my hon. Friend give way?

Tony Lloyd: I shall, but then I must make progress by sitting down.

Mr. Truswell: I am very grateful to my hon. Friend for allowing me to intervene once again. Is there not another issue in Manchester, whereby the local authority would want to restrict trade by any trader in a particular location, perhaps because it was dangerous? The authority could prevent people who have a street trading licence from trading there, but not pedlars.

Tony Lloyd: That is correct. In fact, in one part of my city, there is an agreement with the street traders that there is no street trading at all. The street traders accept that, but of course, there is no restriction on the pedlars. They therefore become a nuisance to the extent that those same street traders invade areas that are designated and accepted as being for other purposes.

I have opened this debate and we have already had a lively exchange. I hope that that the hon. Member for Christchurch has been reassured about the intention behind the Bill and that his remarks will be more succinct than they would have been had I not given way to him and his colleagues. That would be appropriate, given that Members from other parts of the country whose Bills are before Parliament today want to say a few words.

I shall resume my seat having said this: I really hope that the House will accept that although issues such as the need to protect the good pedlar may unite us—although we may be divided on how to do that—the most appropriate way to move forward is to let the Manchester and Bournemouth Bills, which have been petitioned against, go through the special Committee process and to let the other Bills go forward to the unopposed Bill Committee, as they are not objected to. In that way, proper examination can take place of the merits of the Bills, which would allow those with doubts to pursue them in a way that allows proper examination.

Mr. Chope *rose—*

Tony Lloyd: I give way for the very last time.

Mr. Chope: I am very grateful to the hon. Gentleman for giving way. Earlier, he made a point about costs. If what he has just described happens, it would mean that council tax payers in the boroughs involved would incur expenditure that could be avoided if the Minister made a statement that this would all be taken back by the Government and that there would be national legislation.

Tony Lloyd: I am glad that I am bringing the hon. Gentleman with me, at least on part of the issue; I look forward to his joining me completely. Yes, I hope that the Minister can announce some way of making progress nationally, as that would give significant help to most of us, but I am not sure that I expect such an announcement today. If it happens, I shall be very happy. If not, those linked to the six private Bills and the areas to which they refer will legitimately want progress to be made in this Chamber—today, we hope—so that a more intense debate can take place in the parts of our parliamentary scrutiny processes that can get to the meat and drink of how we regulate and in a way that is consistent with all our ambitions.

Mr. John Spellar (Warley) (Lab): On a point of order, Mr. Deputy Speaker. Has Mr. Speaker received notification from the right hon. Member for Haltemprice and Howden (David Davis) about whether he has taken the Chiltern hundreds or any other office of profit under the Crown?

Mr. Deputy Speaker: I am afraid that I am unable to assist the right hon. Gentleman in that respect; I have no such knowledge. As and when there are developments, I understand that they will appear in the Votes and Proceedings of the House.

For the sake of complete accuracy, I should add to the ruling that I gave in response to the point of order raised earlier by the hon. Member for Christchurch (Mr. Chope). I assumed that he was referring to what would happen to the Bills if the three-hour period had been completed, and the advice that I gave was correct in that sense. However, if proceedings on the first Bill that we are discussing were completed within the three-hour period, and before all the time had been exhausted, it would then, of course, be possible for the House to proceed to the second and subsequent Bills. I hope that I have made the position entirely clear.

Mr. Greg Knight *rose—*

Mr. Deputy Speaker: I fear not.

Mr. Knight: On a point of order, Mr. Deputy Speaker. Will you clarify something that arises out of what you have just told the House? Are you saying that, if the debate on the Manchester Bill were concluded before the allotted time, you would allow us to debate the other Bills, or that you would seek to put the Questions on the other Bills?

Mr. Deputy Speaker: If the proceedings on the first Bill had been entirely completed, there would be scope for further debate on the other Bills in such remaining time as existed. I hope that the matter is now clear.

Mr. Ellwood: Further to that point of order, Mr. Deputy Speaker. I seek your clarification. I apologise that I was a minute late for the beginning of today's proceedings. Obviously, I want to support the Bournemouth Borough Council Bill. When should I speak on that? Should my contribution be part of the discussion of the Manchester City Council Bill, or should I wait until the business on that has concluded?

Mr. Deputy Speaker: I gave a ruling on that at the very outset. The Bills are being debated together, so it would be perfectly in order for the hon. Gentleman to seek to catch my eye at any time.

Mr. Liddell-Grainger: Further to that point of order, Mr. Deputy Speaker. I oppose the Bournemouth Borough Council Bill, and not the others. The six Bills before us are all slightly different. Would it be in order to speak now about the difference between the six Bills?

Mr. Deputy Speaker: I had hoped that I had made that clear in my original statement.

4.14 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am glad that I have caught your eye, Mr. Deputy Speaker, and I am mindful of the fact that the sponsor of the Manchester City Council Bill, the hon. Member for Manchester, Central (Tony Lloyd), is present; I congratulate him on opening the debate. My hon. Friends the Members for Bournemouth, East (Mr. Ellwood), and for Canterbury (Mr. Brazier) are here to represent their areas. The right hon. Member for Leeds, West (John Battle) and the hon. Member for Pudsey (Mr. Truswell) are here as they have an interest in Leeds. I do not believe that anyone connected with Nottingham is present. *[Interruption.]* I had forgotten; importantly, my hon. Friend the Member for Reading, East (Mr. Wilson) is here to represent the interests of Reading. I congratulate all of them.

The private Bill procedure being used by the House today is arcane. For the sake of absolute clarity, it is totally different from the private Member's Bill procedure. I have great knowledge of private Bill procedure, because within a fortnight of coming to this place, I was approached by my party's deputy Chief Whip, who asked what I was doing in a fortnight's time. Rather naively, I said, "Nothing in particular." He said, "Then I'd like you to serve on the Committee considering the British Waterways Bill." A year and a half later, we were still debating that private Bill, so I understand what is involved in the procedure relating to the private Bill that the hon. Member for Manchester, Central has brought before the House.

I also understand the great difficulty that the local authorities involved face in trying to get their Bill enacted under that arcane procedure. Probably one of the greatest services that we could do those local authorities, the House and the country today is to try to press the Under-Secretary of State for Business, Enterprise and Regulatory Reform to hold an overarching review of the way in which the market system works. The hon. Member for Bolton, South-East (Dr. Iddon) did the House a huge service by introducing a Bill under the private Member's Bill procedure. Unfortunately, his Bill faltered, but I think that he was on the right lines. He wanted an amendment to section 3 and schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to regulate the problem across the country. Previous private Bills on the same subject that have been enacted did exactly that. They—and, on the whole, the six Bills before us—insert the provisions of the Pedlars Act 1871 in paragraph (2)(a) of schedule 4 to the 1982 Act, so that pedlars are included in the schedule. I think that that is what the Bill of the hon. Member for Bolton, South-East sought to do.

Mr. Brazier: With his legal mind, my hon. Friend has gone right to the heart of the issue. What he says surely explains the debate that we have had across the Chamber on national versus local. The problem is that there is a piece of national legislation that rides roughshod over local rules and regulations. That is why, locally, we have to find a way of getting round the problem piecemeal, although the most sensible thing to do would be to have a national framework that allowed each council to decide what to do locally, on this matter and on others.

Mr. Clifton-Brown: My hon. Friend is exactly right. Today, if we get a commitment from the Minister, we will have advanced a huge amount. I suspect that the sponsors speaking for the councils involved would then not be too upset if their Bill fell through.

Several hon. Members *rose—*

Mr. Clifton-Brown: A host of people are trying to intervene on me. I think that my hon. Friend the Member for Bournemouth, East, was first.

Mr. Ellwood: If the Minister today supported the seeming consensus that there should be a review of the legislation, would my hon. Friend be willing to take up the issue in 2010, when it is clear that there may be a change of Government?

Mr. Clifton-Brown: I am extremely grateful to my hon. Friend on two counts. I can assure him that I have the utmost confidence that there will be a change of Government, whenever the Government choose to call a general election. On the assumption that we will assume government shortly, I can give my hon. Friend an assurance that we will want to look at the problem in the round, with a view to deciding whether a change in legislation is appropriate.

Mr. Ellwood: If the Minister were willing to do some work on the issue now, it would not be in vain because we would pick it up after a general election.

Mr. Clifton-Brown: My hon. Friend has pressed the Minister, and I am confident that the Minister has some good news for us. It would be very useful if the Government did the right thing, which would save us the job when we come into government.

On a serious point, if the hon. Member for Manchester, Central is right that there are in the pipeline up to 50 more Bills similar to those that we are dealing with today, all of which the Chairman of Ways and Means will have to find time for, I do not know how the House will deal with them, not to mention the cost to those 50 local authorities. Given the cost of the six Bills before us, it would be much more sensible for the Minister to initiate an overarching review of the process. I press him strongly on that and hope he will have some good news.

Mr. Truswell: A picture is developing over the days and weeks. Earlier we debated dangerous dogs and although the critique from those on the Opposition Benches was first class, all the Opposition promised was

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a review. The hon. Gentleman's critique so far is first class, but all he is promising is a review. What role will the hon. Member for Christchurch (Mr. Chope) play in influencing the outcome of that review?

Mr. Clifton-Brown: That is a little unkind. The hon. Gentleman should address his remarks to his hon. Friend the Minister, who is in a position to do something about the problem. I am in a position only to offer prospectively to look at it. I am sure we will be able to do that.

Mr. Liddell-Grainger: My hon. Friend is aware that Bills on Newcastle upon Tyne, Liverpool, Leicester, Medway, Maidstone, the whole of Northern Ireland and London have already passed. They are all slightly different, as my hon. Friend knows. Will the framework agreement mean having to ask all those councils and the Greater London authority to scrap all that, go back to the drawing board and start again?

Mr. Clifton-Brown: My hon. Friend asks me a technical question. My own view on the matter is that if we reviewed the framework on a national basis, most of the private Bills would be unnecessary and would be revoked. As I said in an intervention on the hon. Member for Manchester, Central, it would be much better to deal with the problem in the round, on a national basis, for a number of reasons—partly because some of the miscreants can go from one place to another, get a certificate for £12.50, undercutting all the street traders, whose average licence costs £500, £600 or £700, do a bit of peddling in one place, say, in Manchester city, and move on somewhere else close by, do their peddling and, if they are of that bent, cause a problem in another area. The problem must be dealt with in the round, or it causes distortion and moves the problem from one area to another.

Mr. Chope: I congratulate my hon. Friend on his major policy announcement. When the policy is developed, will he ensure that he has with him a transcript of the debate on Radio Solent this morning, in which it became apparent that there is tremendous public sympathy for lawful pedlars? There would be much concern at his remarks about almost making miscreants equivalent to lawful pedlars. Rogue traders and lawful pedlars are two different categories.

Mr. Clifton-Brown: I regret to say that I cannot listen to every local programme, so I was not able to listen to the programme from the Solent, but when the study is undertaken I have no doubt that those undertaking it will want to pay close attention to the transcript of Radio Solent's programme.

I am grateful to my hon. Friend for his intervention, as I wish to make it clear that we on the Conservative Benches and, I am sure, the Government and the Liberal Benches as well, do not in any way want to stigmatise lawful pedlars. I make that clear. It is only the small minority who cause a nuisance. It is they who have caused us all to be here this afternoon. That is the problem that we need to deal with.

Mr. Greg Knight: Will my hon. Friend not be blown off course by the hon. Member for Pudsey (Mr. Truswell) because it is quite clear that a review is the way forward? If we are to legislate, we should do so on the basis of evidence that has been properly collected and collated, not merely on the basis of the whingeing of a few chief council officers who are unhappy about not getting their hands on the fees paid for pedlars certificates because they were bought elsewhere.

Mr. Clifton-Brown: My right hon. Friend's remarks are very important. I can assure him that we will not be blown off course by anybody. We will want to take evidence from anyone who wishes to give it to us, frankly, including—and I am absolutely certain of this—my hon. Friend the Member for Christchurch, who is a great expert on this subject and will no doubt have a great deal to say in giving evidence.

Much has been said about pedlars. One fairly easy way of dealing with the problem is to include them in a schedule, which in my view would give a local authority a power, not a duty. In other words, each local authority would have the power to take action against pedlars if they caused a problem in their area, but they would not be obliged to do so. We should look carefully into that.

It is interesting in that context to look at the Pedlars Act 1871. It may come as a surprise to most people—it certainly came as a surprise to me—that this Act, drawn up more than 100 years ago, contains a definition that is effectively the nub of what we are debating today. I refer to section 3 of the Act:

> "In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,
>
> The term 'pedlar' means any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft".

That is a wide-ranging definition and the opportunities for mischief within it are correspondingly wide.

That is why I say to the hon. Member for Manchester, Central that it is very difficult to bring a prosecution—precisely for some of the reasons that he adduced—because it means watching people. Somebody—the police or somebody else—has to watch such people, see how long they stay in one place before moving on, ensure that the goods they sell are of merchandisable quality and that they do not abuse the street-trading regulations. They must be genuine pedlars. I gather that they have to be warned at least once and if they commit an offence a second time, which involves more monitoring and more watching, the police may be able to bring a prosecution. It would be interesting to know from the Minister how many prosecutions have been brought for contraventions of those market laws, not only by pedlars, but by other market traders. We should remember that these Bills deal with market traders as well as pedlars.

Mr. Liddell-Grainger *rose—*

Mr. Rob Wilson *rose—*

Mr. Clifton-Brown: My goodness, I give way to my hon. Friend the Member for Reading, East (Mr. Wilson), who has not intervened before.

Mr. Wilson: Will my hon. Friend explain exactly what he means when he talks about local authorities having the power, but not the duty, to act in these cases? Does he mean council officers going out and seizing goods; does he mean informing the police; does he mean informing trading standards officers? What exactly does he mean?

Mr. Clifton-Brown: My hon. Friend will be aware that a number of Acts contain powers for local authorities to do things, but not duties to do so. What that actually means is that if the proper standing orders and resolutions were passed in their particular council, an authority would be able to make use of an Act's provisions, which, as I have argued, should be overarching. Those provisions will be framed in such a way that the councils will be able to regularise the activities of pedlars and other market traders along the lines that I have suggested. We do not want to make it an absolute duty on every local authority to have to exercise those powers if they do not wish to do so. For example, if the councils of some of my hon. Friends, perhaps including my hon. Friend the Member for Reading, East, feel that they have a problem, they would have the ability to exercise regulatory powers against pedlars and other market traders, but they would not be obliged to do so.

Mr. Wilson *rose—*

Mr. Clifton-Brown: I see that my hon. Friend is still puzzled, so I give way to him again.

Mr. Wilson: Can my hon. Friend explain where such powers do not exist currently?

Mr. Clifton-Brown: The powers, as I have said, are currently contained in that definition of pedlars. The problem, as has been amply demonstrated, is that pedlars can get a certificate for £12.71 on very little evidence of good character and then peddle in any area of the country they want. That is fine if they do the job on a genuine peddling basis, but if they misbehave—and the opportunities for misbehaving under that definition are huge—it is difficult to prosecute.

Mr. Liddell-Grainger: One of the definitions in the six Bills, which are all slightly different, is of "perishable goods". What happens if perishable goods are seized by one council, but another council has a different policy? The person concerned will sue the council that has seized the goods, because they will have a right to do so. Until we sort out that mess and a framework is put in statute, the difficulty will be people not understanding what they are meant to be doing and therefore having recourse against the council.

Mr. Clifton-Brown: I entirely agree with my hon. Friend. He, too, is a great expert in the subject, so I am sure that he has read the transcript of the Opposed Private Bill Committee in the other place. Noble Lords touched on that precise problem, which is one reason why it needs to be dealt with nationally, so that it is quite clear how goods that are seized, and perishable goods in particular, have to be dealt with. That would probably involve keeping them in cool conditions for up to 24 or 48 hours, to allow for appeal, after which they would be destroyed. However, those are matters that we would want to take evidence on in our overarching review, to ensure that the proposal was workable.

Mr. Greg Knight: My hon. Friend is being generous in giving way. The fact that a genuine pedlar applies for a licence in one part of the country and during the year trades in another is not of itself offensive or behaviour that should be outlawed. Does he accept that he inadvertently misled the House when he said that a pedlar can get a certificate with very little evidence of good character? As I understand it, the police check their database when an application is made. It is not for the applicant to prove his character. If the police see that he does not have a record, he clearly is of good character.

Mr. Clifton-Brown: My right hon. Friend makes a number of points. I stress again that we on the Conservative Front Bench—and, I am sure, those on the Government Front Bench—do not in any way wish to stigmatise pedlars. Those who go about their business in a lawful way are fully entitled to do so. The problem is that those who cause a nuisance are likely to be shifted from one area to another. If they find that the policing regime in one area is too onerous, they will move to another area where the police are overstretched and do not have time to deal with the problem.

Although he did not actually say this, my hon. Friend the Member for Christchurch indicated that the Manchester Bill applies only to Manchester city. If the Manchester city police were to police the matter rigorously, the pedlars and other street traders—we are not talking about just pedlars—would move on to Greater Manchester or nearby areas. That is the crux of the problem and why it is so difficult to deal with the problem locally.

Mr. Chope: My hon. Friend is in danger of misleading himself about the complexity of the law relating to pedlars. It is the view of Philip Hyde, in his seminal work "Local Authority Licensing and Registration", that the law in this area is pretty clear.

Mr. Clifton-Brown: The law may be clear, but I am sure that the learned gentleman to whom my hon. Friend refers has not said that it is easy to secure a prosecution against someone who has committed a crime.

Tony Lloyd: Will the hon. Gentleman give way?

Mr. Clifton-Brown: I will happily give way, but for the last time, as I want to give other hon. Members a chance to speak.

Tony Lloyd: The hon. Gentleman's exchange with the hon. Member for Christchurch (Mr. Chope) is interesting because the problem is that the pedlar's behaviour can be perfectly legal but still amount to nuisance. The issue is not the law's lack of clarity, but its lack of effectiveness in giving remedy to communities that suffer the excesses of those pedlars who are indifferent to their needs.

Mr. Clifton-Brown: The hon. Gentleman made a particularly interesting point in his speech: when the definition of pedlars in the 1871 Act was framed, people were much less mobile. There were no motor cars; one could not simply hop in a motor car and go from

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Manchester to Bournemouth and cause a nuisance there. We live in a totally different age and face a different problem from the one faced by our forefathers when the Act was introduced.

The hon. Gentleman made the interesting point in his previous intervention that one or two or even half a dozen pedlars might not cause a nuisance, but if several hundred pedlars are present in one point, which I understand is the issue faced by my hon. Friend the Member for Bournemouth, East, the scale of the problem is very different. Pedlars are also a problem, even if they are acting within the law, if they undercut the lawful competition of ordinary street traders. As has been said, a pedlar can get a pedlars certificate for £12.71, whereas the average licence for a street trader is between £500 and £700—a different order of magnitude. Different laws apply to street traders from those that apply to pedlars. On the whole, the law for pedlars is easier than the law for street traders, which is quite onerous in many respects.

If the Bills fall today, will the Minister undertake on behalf of the Government to have a comprehensive, overarching look at the whole issue of street trading, including market traders and pedlars, with a view to bringing forward legislation when time allows? Does he agree that dealing with the matter on an authority-by-authority basis is unsatisfactory, for the reasons adduced in the debate today—notably, the distortional effect and the different regimes encompassed by each individual local authority Bill? If he will undertake a review of the whole subject, how long does he expect that to take, and when might he conclude a review and bring forward legislation? If we can get solid answers to those problems, he will have moved the whole matter forward. The House would then congratulate the hon. Member for Bolton, South-East on having originally raised and tried to solve the matter on a national basis, which is surely the approach on which the Government ought to make progress. We look forward very much to hearing the Minister's comments.

4.38 pm

The Parliamentary Under-Secretary of State for Business, Enterprise and Regulatory Reform (Mr. Gareth Thomas): It is a genuine pleasure to follow the hon. Member for Cotswold (Mr. Clifton-Brown), whose opening remarks reminded me of the one previous time that I engaged seriously with private Bill business. It was on the City of London (Ward Elections) Bill and a particularly traumatic experience, because a combination of the chief executive of the City of London and my hon. Friend the Member for Hayes and Harlington (John McDonnell) ensured that that Bill took an awfully long time to get through the House. As a result of that formative experience, I have studiously avoided private Bill business up to now.

Nevertheless, it is a pleasure to represent the Government in this debate, not least for the opportunity to listen to my hon. Friend the Member for Manchester, Central (Tony Lloyd). I was almost tempted to say that he made an extremely cogent case for the Bill that he sponsors today—I say "almost tempted" because, as he will understand, it is a tradition that Governments do not offer views on private Bills. That, and the fact that he lumped me in with the hon. Member for Christchurch (Mr. Chope), makes me hesitate to endorse completely the points that he made. Nevertheless, he dealt with many of the points that Opposition Members raised with him.

The Government have reflected on the opinions set out in letters to my Department from town centre managers and bodies representing licensed street traders, and on how the proposed legislation might alter the framework of law that affects street trading, and indeed the very old statute that relates to certified pedlary. I understand why some local authorities favour the changes set out in the Bills, and I recognise that some face particular difficulties with street trading. It is true that some of the difficulties may be caused by certified pedlars, but difficulties may equally be caused by traders acting outside either street trading or pedlar legislation.

Unsurprisingly, some of the views stated in the debate echo the sentiments expressed by some noble Lords who contributed to the debate on the Bournemouth Borough Council Bill and the Manchester City Council Bill last November in the other place. As has been made clear, a number of interested parties believe strongly that there should be additional national street trading legislation.

As well as the views expressed on one side of the debate, other views of course need to be considered. I am sure that some hon. Members have constituents who make their living as certified pedlars and whose livelihoods may be affected by changes to the law. Equally, some constituents whose interests are represented by hon. Members will benefit from the activity of legitimate pedlars. Their views must also be considered.

As I made clear, it is not my role to offer a view on behalf of the Government on the contents of the private Bills. It is my specific role to confirm my view that the Bills' promoters have undertaken a full assessment of their compatibility with the European convention on human rights and that we do not see a need to dispute their conclusions.

The hon. Member for Cotswold and, I suspect, one or two others raised the specific issue of the number of similar private Bills affecting the regulation of licensed street trading and certified pedlary. Seven private pieces of legislation affect street trading in addition to the Bills under discussion. However, hon. Members should bear it in mind that that is in the context of 410 city and borough councils in England and Wales. In saying that, I acknowledge that further similar private Bills may be introduced later this year. In addition, my hon. Friend the Member for Bolton, South-East (Dr. Iddon) has led a campaign, including through the private Member's Bill that he has introduced, for a national street trading Act, creating additional local authority powers to regulate street trading and pedlary.

The evidence at the moment for national legislation across all 410 local authority borough and district councils in England and Wales remains unclear. I have no doubt that there are particular problems in some areas, as some hon. Members have alluded to in the debate. However, it is not clear whether they are spread nationwide. In principle, it is our view that they are local matters best tackled in communities by local authorities.

Mr. Ellwood: Is the Minister saying that the matter is to be dealt with by local authorities and that he will therefore endorse the Bills? If he is saying that there is

not enough evidence for a national decision to be made and a national Bill to be put through, how does he square the circle with the fact that some areas of Britain—namely places such as the whole of Northern Ireland and, indeed, London, Medway, Liverpool and Leicester—have already had this legislation? We find ourselves in a strange position that surely needs to be reconciled.

Mr. Thomas: What I said was that the evidence in favour of national legislation is still unclear. As for our view as a Government, I have made it clear that the Government have no particular view, as is traditional in the case of private Bills.

Sarah Teather: The Minister says that it is unclear whether we need national legislation, and I agree that a uniform piece of national legislation giving all councils these powers immediately may not be what is required. However, enabling councils to adopt the powers by means of secondary legislation—a byelaw, for example—would allow local decision making while also maintaining a transparent framework.

Mr. Thomas: That is an interesting point, with which I shall deal a little later.

Dr. Iddon: Clause 2 of my private Member's Bill would give local authorities the power to adopt the measures in this Bill in the way suggested by the hon. Member for Brent, East (Sarah Teather).

Mr. Thomas: As I said earlier, my hon. Friend has led a very effective campaign in favour of national legislation, but I repeat that my view and that of the Government more generally is that the evidence is unclear.

Mr. Truswell: What evidence does my hon. Friend need to be persuaded of the validity of the case? As has been pointed out, some authorities are already able to exercise the powers sought by the six that we are discussing.

Mr. Thomas: My hon. Friend's point is similar to the point made by the hon. Member for Brent, East (Sarah Teather), although he made it in a different way. If he will allow me to make a little progress, he may welcome some of what I am about to say.

We should not forget that local authorities are already able to tackle illegal street trading, and street traders selling counterfeit or dangerous goods. Last November in the other place, Lord Bach observed that enforcement officers already undertake activity to regulate the streets. In practice, that means that they can conduct initial advisory discussions with unlicensed traders, that they can counsel those traders to obtain the necessary licence or pedlars certificate, and that they can—and do—tell them the consequences of continuing to trade outside the law. They can take action resulting in a fine of up to £1,000 against a persistent unlicensed trader who has already been subject to oral and written warnings.

Last November, the Government introduced the Regulatory Enforcement and Sanctions Bill. Part 3 will, where appropriate, allow local authorities and other regulators to impose a range of administrative sanctions as an alternative to criminal prosecution when enforcing existing legislation. The Pedlars Act 1871 is within the scope of part 3, and the new powers—including, in particular, fixed monetary penalties—could be used by local authorities as an alternative to prosecuting those involved in pedlary without a licence. When implemented, the powers in part 3 may reduce the need for the promotion of individual private Bills.

I have reflected further, however, on the point raised by my hon. Friend the Member for Bolton, South-East, on the debate in the other place back in November, and on the fact that, as a number of Members have made clear, there is considerable—albeit not uniform—interest in further powers throughout the local authority world. As a result, I have initiated a research project led by Durham university, which will consider the current position, whether the existing powers are sufficient, albeit underused, and what—if any—different powers would be useful to the tackling of problems relating to street trading in our towns and cities.

Should the evidence resulting from that forthcoming research project demonstrate that there is a case for national legislation, we will assess the options available to us. Towards the end of the year, we will publish a report on the Department's website setting out the research findings and the Government's views on the appropriate next steps. It would not be right for me to commit to national legislation before we have the evidence base to justify the case for that. It is clear that there are particular problems in particular areas, which is why a series of local authorities have brought forward individual Bills to deal with the problems that they feel exist in their areas. It is for the House to take a judgment on the merit, or otherwise, of those Bills.

Mr. Brazier: The announcement the Minister has just made is, of course, welcome, but can we be clear about the ground rules? The central problem with pedlars is that they are supposed to move but some of them choose to cluster in very large numbers at a limited number of locations, thereby effectively acting as street traders, not pedlars. I urge the Minister to say that if it can be shown that a number—albeit, perhaps, a small minority—of areas have a problem, that should be sufficient grounds for moving to the sort of national framework for which many Members on both sides of the House have called?

Mr. Thomas: As I have said, we will be conducting research. The hon. Gentleman raises a fair point, and the Durham university researchers who will be conducting the research for us will, of course, want to refer to our debate today. I will make sure that his point, and other specific and important points that other Members have raised, are drawn to the researchers' attention.

Tony Lloyd: I am sure that the whole House will welcome the Minister's remarks as a significant indication of progress. Nevertheless, the hon. Member for Canterbury (Mr. Brazier) raises an important point. Few people argue for national legislation in the sense of uniform legislation from one end of the country to the other. Most people argue for a national framework that allows for local variation. In that context, it would be helpful if the Minister could ask the Durham university research team to look at specific problems, and it would also help if they were to look in particular at the geographical areas under discussion in today's six Bills. Will he draw their attention to the fact that they can consider as part

[Tony Lloyd]

of their conclusions the need for variation within that national framework, so that, for example, Manchester does not need to have the same framework as Reading or Bournemouth, if that is appropriate?

Mr. Thomas: I assure my hon. Friend that all the points made in today's debate will be drawn to the researchers' attention. We are asking them to build the evidence base—to take a look across England and Wales at what powers are already available and whether they need to be changed. It will then be for the Government to reflect on the evidence that Durham university collects. I have no doubt that there will be continuing interest in the House both on what is drawn out as a result of that research work and on how we go forward if there is indeed a case for further action.

Mr. Clifton-Brown: Although the Minister's announcement goes some way towards beginning to address the problem, the process sounds very long-winded. Meanwhile, certain local authorities have a real problem. They are involved in huge expenditure in bringing these Bills before the House today, and that has a public expenditure implication. This is still a very unsatisfactory state of affairs. What does the Minister intend should be done in the interim while his research is taking place?

Mr. Thomas: We hope that the research will be completed by the autumn and, as I said, we expect it to be published on the Department's website by the end of the year, so that interested parties, including Members of the House, can examine it. If there is sufficient evidence of a national problem, clearly the Government will have to reflect on what further action, if any, they should take. I recognise the need to draw the evidence together to see the scale of the problem. As is perhaps the situation now, it might be found that there are particular problems in particular places and it should still be the responsibility of individual authorities to make a judgment as to whether they need extra powers.

In initiating this national review of the evidence base by Durham university, I am not seeking to cast aspersions on the case that the sponsors of the Bills are making today. It is for the House to reach its own judgment, in the traditional way, on the case that each of the Bills makes, and the Government remain neutral. As I have said, I recognise the concerns that have been raised, not least by my hon. Friend the Member for Bolton, South-East, who led in that regard, and we shall look at the national situation. I have made it clear that the evidence base remains unclear at the moment. We are seeking to clarify that by launching the research project in the way that I have described.

Mr. Clifton-Brown: I must press the Minister a little more on this matter. Seven local authorities have gone through this arcane and tortuous private Bill procedure, six Bills are before us today and we are told that a further 50 are in the pipeline. That has huge public expenditure implications and it also demonstrates the size of the problem. To follow up the question asked by the hon. Member for Pudsey (Mr. Truswell): how much more evidence do we need? Local authorities would not be spending taxpayers' money on a whim; they would not be doing that unless they thought that they had a real problem. So, the Government have a problem and I ask the Minister the question again: how much evidence does he expect Durham university to be able to produce to convince him that there is a national problem that needs addressing?

Mr. Thomas: With respect, I point out to the hon. Gentleman that there are some 410 local authorities in England and Wales, and nothing like close to a majority of them are seeking to introduce private Bills. On occasion, when local authorities have particular problems, it is for them to consider what actions they can take to deal with those problems. That is the principle of devolution and the principle behind the legislation that enables local authorities to take the specific actions required in their areas. Nevertheless, I recognise that there is a case for examining whether there is a need for national legislation and for examining the national evidence base. The evidence is unclear, which is why we are seeking to clarify the situation.

Mr. Rob Wilson: Could the Minister let the House know whether he has received any representations from the police asking him to make any changes in law of the nature that are being proposed today?

Mr. Thomas: All sorts of people have made representations to us, and I have no doubt that representations of all sorts will have been made to the promoters of the Bills before us today. I also have no doubt that Durham university will want to draw on a range of sources in pulling together the evidence base for deciding whether to take further action.

Mr. John Hayes (South Holland and The Deepings) (Con) *rose—*

Mr. Liddell-Grainger *rose—*

Mr. Thomas: The hon. Member for South Holland and The Deepings (Mr. Hayes) was not present at the start of the debate, so if he will forgive me, I shall not give way to him. I shall, however, give way to the hon. Member for Bridgwater (Mr. Liddell-Grainger).

Mr. Liddell-Grainger: Will the Minister draw the researchers' attention to the Macrory review of November 2006, many of whose recommendations the Government have accepted? It addressed statutory obligations and tightening up the way in which statute on the regulation of the likes of pedlars and on the penalties is used and enforced. Does he agree that that should be a starting point?

Mr. Thomas: As I have made clear, the whole of this debate will be drawn to the attention of the researchers, and the point that the hon. Gentleman makes will be taken into account in the work that they do.

Tony Lloyd: I hope that I may help my hon. Friend and the House. When the Manchester City Council Bill was considered in the other place, representatives of the Greater Manchester police gave evidence in support. Their view is not untypical of police forces throughout the country, but it would be helpful if the Durham research team were specifically charged with researching the police's view and whether they want to be rid of this duty because they now regard it as a burden.

Mr. Thomas: I am sure that the hon. Member for Reading, East (Mr. Wilson) will welcome that intervention. On my hon. Friend's specific point about the police helping the researchers with the evidence base, I should

make it clear that we want those researchers to seek out every possible source of evidence to help to draw their analysis together.

John Battle: In 1999, Westminster council had a private Bill to deal with this problem, with the result that people moved 10 yd further down Westminster bridge, so that they were in Lambeth. It was 2004 before Lambeth brought forward a Bill to sort out the issue for the whole of London. The history of this goes back nine or 10 years. I hope that the researchers will look at the tensions between legitimate pedlars, who have certificates, and street traders, who think that they are being priced out. The knock-on effect needs to be addressed.

Mr. Thomas: From my research in preparation for this debate, I recognise the considerable history behind this issue. I take my right hon. Friend's point about the legislation that has been introduced previously. The points that have been made in this debate will be made available to the researchers. Ultimately it is a decision for the Government, in the first place, and the House, more generally, as to whether we need to take further action after we have seen the conclusions reached by the researchers.

As I have made clear, the Government's view is that the evidence base remains unclear. We are seeking to bring clarity to the issue, and that is the specific task of the Durham researchers. The research will be made available to all Members and those outside who are interested through publication on the Department's website.

Mr. Chope: Will individuals and organisations be able to gain access to the researchers to provide them with evidence, and will the Minister publish the terms of reference for the research?

Mr. Thomas: Work will formally commence soon, and we will make the details available on the Department's website. I hesitate to commit the researchers to meeting every individual who wants to give evidence, but if the hon. Gentleman knows of individuals who want to provide evidence, he should tell them that they can write to the Department and we will ensure that the letters are passed to the researchers.

I commend the Government's position to the House and I take this opportunity to encourage local authorities, hon. Members and other interested parties to engage with our researchers to help us to establish clearly the national evidence base for this situation.

5.4 pm

Sarah Teather (Brent, East) (LD): I support the passage of the six Bills today, and if the hon. Member for Christchurch (Mr. Chope) presses his blocking motion to a vote I shall oppose it.

I share the concerns that Members on both sides of the House have expressed that this is not the most sensible way of proceeding, given the sheer number of councils that have either brought forward private legislation or, as the hon. Member for Bolton, South-East (Dr. Iddon) said, might have plans to do so. As I have said several times during the course of the debate, a national framework, as suggested by the Conservative spokesman, would seem most sensible and would meet the Minister's concerns about giving local authorities the priority to decide what they wished to do in their area. It would give the councils the flexibility to adopt the legislation through a byelaw. That would add extra transparency, which is a concern when there are so many slightly different variants. If they were wildly different, it would make it easier for itinerant traders to understand the differences between areas, but because they are only slightly different, especially as there is an issue about whether councils adopt any legislation, it can be confusing. The mark of good legislation should always be that it is easy to understand whether or not one is complying with it, and that is very important.

Mr. Hayes: The hon. Lady, with her eagle eye, will have spotted that the Minister said that if the research found there was a "national problem", the Government would consider whether they needed to act. As has been reported, the problem is by its nature likely to be local and possibly sporadic. The research will not find a national problem, but that does not mean that there should not be a national framework of the type that she describes.

Sarah Teather: That is why it is important for the Minister to publish the terms of reference for the research. I hope it will be flexible enough to allow the Minister to make a decision on passing national legislation that enables councils to adopt the power or not, regardless of whether the problem is national. From the representations that have been made today, it is clear that the problem is concentrated in particular areas. The Minister needs the flexibility in his decision making.

The hon. Member for Manchester, Central (Tony Lloyd) explained the procedure for applying for a pedlars licence and how it differs from the process of applying for a street traders licence. Obviously, the licence differs in cost, but it also differs in terms of the relative stringency of the criteria that people are required to meet and of the body that enforces action against the person applying for the licence. That is one other point that has not been brought out in the debate so far.

Dr. Iddon: Has the hon. Lady had any representations on the inconsistency of pedlars certificates? They vary from one police authority to another and when enforcement action is taken careful checks have to be made on whether the certificates are genuine or not.

Sarah Teather: I had not heard that. Another issue for a council trying to take enforcement action is that a pedlars licence might have been issued somewhere else. Although a council might have a good relationship with local police, it might not have such a close relationship with the police on the other side of the country, who might apply the criteria slightly differently. That makes it difficult for councils to take enforcement action against a pedlar who might be breaching the law.

The Conservative spokesperson also spoke about the difficulty of enforcing action against pedlars who are breaking the law. There are a number of reasons for that, one of which has been referred to by the hon. Member for Bolton, South-East. The criteria are uncertain. That was certainly an issue that Brent council mentioned to me. Obviously, there is a different legislative framework

[Sarah Teather]

in London, but the council told me of the difficulties that it had had because it was unclear how the courts would interpret the definition of a pedlar. The hon. Member for Manchester, Central spoke about meeting the letter of the law if a pedlar moves around every 20 minutes. My council explained the difficulties caused by a pedlar who might move to the other side of the road in the afternoon, and say that they were moving around. For councils, because of the expense of taking action and the uncertainty of the criteria that courts might use, it is very difficult to decide whether to take action against a pedlar who is effectively operating as a street trader.

There are also wider issues. The hon. Member for Pudsey (Mr. Truswell) mentioned that the pedlar might operate entirely legally but be trading somewhere where the council might want to regulate that activity. The problem may not be that the law is being broken but simply that councils want to regulate what is happening in their areas. For instance, a pedlar might be causing an obstruction or inconveniencing people—or, as has been mentioned, it might be dangerous to trade in certain locations—but it is impossible to take enforcement action against someone with a pedlars licence.

Mr. Clifton-Brown: The Minister took solace in the fact that a Bill going through the House means that financial penalty notices could be issued to pedlars. However, pedlars are by their nature itinerant, so would it not be extremely difficult to enforce that procedure?

Sarah Teather: I agree. That Bill is about to enter Committee, so there is a lot of detail to be worked out. A pedlar may not be breaking the law, which is why these Bills have been brought forward, and why the hon. Member for Bolton, South-East wants to tighten the definition of "pedlar". The Government supported the London Local Authorities Act 2007 because it tightened that definition, with the result that people are exempt only if they trade from home to home. The aim of all the different Bills is not to outlaw pedlars but to make the definition much tighter, so that people who effectively operate as street traders are brought within existing legislation.

We in London already have the benefit of that legislation, as I said, and my local council has told me that it has made a difference to how it can deal with problems in the borough.

Mr. Liddell-Grainger: I do not represent a London seat, but does the hon. Lady have any idea how many prosecutions there have been in Brent? How many people have been prevented from trading? What has happened to perishable goods? Other hon. Members have asked many similar questions this afternoon, so does she have any information on these matters?

Sarah Teather: I am afraid I have not done that sort of research, although I can give anecdotal information from my area. Perhaps the Minister might be willing to provide that information, and I am sure that his Department will be able to collect it.

Wembley stadium is in Brent, and the major football tournaments that are played there regularly cause problems with people trading illegal goods. Brent council had a particular problem during Euro 96, when pedlars with licences from Newcastle were trading in fake goods and other illegal wares. When the council seized the goods, the people selling them were able to come back the next day because they had pedlars licences from Newcastle. As a result, it was impossible for the council to take effective action. The pedlars caused a nuisance to local people, and made the area very unsightly.

Mr. Chope: I am very interested in what the hon. lady is saying, but has she found out whether the people involved were prosecuted? If they were, they would never be able to get pedlars certificates in the future because they would not be considered to be of good character.

Sarah Teather: The people involved were itinerant. The fact that they came from somewhere else, constantly moved around and did not give clear identities made it almost impossible for Brent council to prosecute. The council said the law as it stood was completely unworkable, but it is confident that the new provisions will enable it to deal with people in a different way. For example, people who trade in one place—in this case, outside Wembley stadium—are classed as street traders, and that makes it much easier for the council to take the action that local people want it to take.

The aim is not to criminalise all pedlars. The ones who operate effectively as street traders are being brought under the street trading legislation, and that is what most hon. Members present this afternoon are asking for. No one wants to criminalise people who sell from house to house: the aim is to bring those who do not conduct their business in that way under existing street trading law.

I support the Bills before us, but I have a couple of detailed concerns about the way they are drafted. As with similar pieces of private legislation, they allow councils to hold seized goods for up to 56 days before proceedings must be instituted. That contrasts with the legislation that applies to London, where local authorities are allowed to hold seized goods for only 28 days. They can hold vehicles for only two days, unless a repeat offence is involved. If goods are held for eight weeks without proceedings being instituted, or even an undertaking that they will be, there is a danger that the procedure is the punishment. That is not good legislation, so we need to iron out those details. Perhaps the wording can be changed to ensure that authorities have a duty to release goods as soon as there is a decision not to proceed. There are many ways of dealing with the situation—it is just a matter of detail—but it is of concern to me.

The Bill has no provisions in respect of an appeals procedure. Normally, fixed penalty notices allow a person to discharge their liability for conviction for an offence by paying money to an authority. There are examples in many pieces of legislation, such as the Clean Neighbourhoods and Environment Act 2005 and the Environmental Protection Act 1990, and the Anti-social Behaviour Act 2003, which provided for penalty notices for graffiti and fly-posting. In all those cases, individuals can discharge their liability for conviction by payment, and if they want to appeal they can do so through the criminal courts. Parking offences are a different matter as they are, in effect, decriminalised and a civil offence: there is an appeals procedure through local councils,

and enforcement action can be taken through civil courts if people do not pay their fine. There is a tribunal system and ultimately people can take their case to an independent parking adjudicator.

There are different ways to proceed. I think the right way would be an appeals procedure through the criminal courts, because we are considering criminal rather than civil offences, yet there is no provision in the Bill for an appeals procedure. We need to consider that. We shall be debating similar things in the Regulatory Enforcement and Sanctions Bill, where I have similar concerns about the lack of enforcement procedures. The measures are analogous in respect of the way we deal with fixed penalty notices.

With those few objections, I express my support for the passage of the Bills.

5.16 pm

Mr. Paul Truswell (Pudsey) (Lab): I shall attempt to speak for a few minutes—if my voice lasts that long.

Like many Members, I come to the debate as someone with a record of pursuing consumer protection issues, and because I want to defend the rights and welfare of legal traders. I came to the issue several years ago when I was contacted by a former constituent. I appreciate that anecdotal evidence is not always the best basis for taking a view on legislation, but in this case it prompted me to look in more detail at the legislation that applies to pedlars. If I may detain the House for a few minutes, Members will see that my constituent's words speak for themselves:

"We are a small flower business trading from a shop...in Leeds. This shop has been trading flowers for some 30 years and provides a great service and focal point to the centre of Leeds.

Over the past year an illegal street trader"—

a pedlar—

"and an associate have been selling flowers from an oversized makeshift cart"—

in Leeds—

"some 100 yards up the parade from our shop. This inevitably has had a grave impact on our sales as he is able to undercut our prices as he has no rent, Council Tax or insurance to pay. The street traders licence (peddler) only allows him...to stop at the point of sale but in fact he occupies the same spot as a permanent fixture.

The Police and Leeds City Council are looking into this and have tried to help but whatever action they have, or are taking has so far had no impact as he remains trading in exactly the same place. It seems that he is blatantly able to flaunt the law"—

I think my constituent means "flout the law"—

"by bypassing any regulations at the expense of innocent paying shop traders."

Mr. Chope: Will the hon. Gentleman give way?

Mr. Truswell: When I have finished the quote, as I am coming to the crux of the matter. The letter continued:

"The impact of his illegal actions has been so great that we are looking to close the business after Christmas with the loss of employment of 5 people."

My constituent calculated that he lost about 40 per cent. of what his takings had been before the pedlar began that illegal action, much of that trade having taken place in the run-up to Christmas and around Valentine's day and mother's day.

Mr. Chope: Does the hon. Gentleman agree that case law is absolutely clear? The situation that he describes is a person operating outside the legal scope of a pedlars certificate. A notice from Dorset police makes it clear:

"If you do not move around between sales or if you set up a pitch or stall you will be liable to prosecution and seizure of your goods."

That is what should have happened in the case to which the hon. Gentleman referred, and penalties should have followed.

Mr. Truswell: I am grateful for the hon. Gentleman's intervention; he leapt in a little bit too quickly, because I am coming to the reason why what he said is not a realistic representation of the position.

Hugh Bayley (City of York) (Lab): I warmly welcome the Bill, which has been brought forward by Manchester city council, and the Bills from the other five councils. I just wanted to put it on the record that the problems that they experience are experienced in other areas. City of York council has asked me to attend the debate in order to express my support for the principles behind the Bills.

Mr. Truswell: I thank my hon. Friend for that intervention and welcome his support.

The case that I have just quoted prompted me to examine the issue in more detail. Although I cannot pretend in any way to be the peer of my hon. Friend the Member for Bolton, South-East (Dr. Iddon), the detail that I discovered makes me an ardent supporter of the legislation under discussion. The situation is like a game of cat and mouse, but I am not sure who is the cat and who is the mouse. One would normally expect the enforcement authorities to be depicted as the cat, but in some respects the traders whom they try to pin down are the cats, and the police, the courts and the council turn out to be the mice. That is what gives rise to the frustration that has generated not only the enacted private Bills that now benefit other parts of the country, but the Bills before us and the 50 that we understand are in the pipeline. Councils have reached the end of their tether on the issue. They have lobbied us and found that, currently, as has already been said, the only possible way of proceeding is to go through this very convoluted and—let us face it—expensive process.

My back-of-an-envelope calculation, for what it is worth, shows that private Bills already cover a sizeable chunk of the country—one tenth, perhaps more. The six authorities that are pursuing their Bills will add to that mass, and if there are 50 in the pipeline, a significant proportion of the population—even though it might still be a minority—must be covered by the various authorities concerned.

Some defenders of the existing legislation have made great play of the current licensing arrangements, but in reality those people who have tried to get to grips with it and seen the arrangements in operation in our areas know that they are ineffective and that the police do not have the resources to enforce them—nor should we expect them to. We have twice heard the definition in section 3 of the 1871 Act—I do not intend to repeat it—but my perception is that the issuing of a pedlars certificate does not follow any national guidance or procedure. It is based on a police officer issuing the

[Mr. Truswell]

certificate, which, as we know, may then be used anywhere in the country. There may be exceptions, but many certificates are issued on the basis of nominal checks. There is no procedure to follow up on certificates that have expired, and the National Association of British Market Authorities has considerable evidence of forged and out-of-date certificates being used to support pedlars' activities.

The police and trading standards officers have also told NABMA that many unlawful street traders using pedlars certificates are involved with crime syndicates, and that very large sums of money are involved—either directly, from the sale of counterfeit goods, or as a front for more sinister activities. I appreciate that we do not want to attack legitimate and reasonable pedlars, but it is often difficult to address those wider issues in the public interest without there being some fallout or innocent victims. The question for the House is always one of balance.

Mr. Chope: Has the hon. Gentleman any idea of the number of occasions when pedlars have been charged and convicted for forging certificates, as defined by the legislation on pedlars? Has he considered that legislation, which makes it clear that there has to be a standard form and that there are set procedures for police authorities?

Mr. Truswell: No, I cannot respond to that, and I am sure the hon. Gentleman did not expect me to be able to. We are getting into the minutiae; the problem is that in doing so we expend even more resources on an issue that could be addressed through the Bill—and certainly through a more national approach to this issue; there is cross-party support for that.

I understand that there is no database to check the validity of the certificates. Obviously, as has been said, one issued in Blackpool could be requested by a police officer in Bournemouth. It is said that pedlars have a duty to exchange or give refunds on goods with which customers are dissatisfied, in much the same way as other traders do. However, we know from practical experience that pedlars frequently go out of business or simply disappear after making seasonal sales of poor-quality products—products without kitemarks, for example. We are all aware of instances when vulnerable members of the public have purchased a toy for their grandchild only to find that spikes or leaded paint had been used to make them. The traders who sold such toys are usually long gone when anyone seeks so-called after-sales service.

Mr. Liddell-Grainger: I thank the hon. Gentleman for giving way; he is being very generous. The problem with his argument is that even if we get framework agreements or whatever we want to call them, even in respect of Canterbury, Bournemouth or wherever, the practices will continue, no matter how good the policing, trading standards or regulation. We have no evidence that things have changed in London, Northern Ireland or anywhere else in which this has been in force. Has the hon. Gentleman any confidence that what he is saying will be correct?

Mr. Truswell: I thank the hon. Gentleman for that intervention. I think that matters would be considerably improved. The provisions would reduce the parameters within which the traders we are talking about can operate. If we all accepted the hon. Gentleman's argument, we could go home for the whole of the year; we legislate all the time against offences and activities that continue despite the legislation. We have a law against murder, but unfortunately it still happens.

Dr. Iddon: Will my hon. Friend give way?

Tony Lloyd: Will my hon. Friend give way?

Mr. Truswell: I shall give way first to my hon. Friend the Member for Bolton, South-East.

Dr. Iddon: Does my hon. Friend agree that whatever areas such Bills cover—Newcastle, for example—there has been a dramatic effect on this type of trading? Bills such as this give local authorities the powers of seizure, which immediately stop the trading and deter the sort of pedlars we have been discussing today from ever peddling in that town or city again.

Mr. Truswell: I am sure that my hon. Friend is absolutely right. I cannot conceive that the authorities that have pursued such legislation in the past and those that are pursuing the legislation that we are discussing today—including Leeds city council, which, as my right hon. Friend the Member for Leeds, West (John Battle) said, is controlled by Liberal Democrats and Tories—would embark on this time-consuming and expensive process if they did not feel it would make a substantial difference. In fact, if they put money into something found to be ineffectual, they would probably be open to investigation by the district auditor.

Mr. Liddell-Grainger: Will the hon. Gentleman allow me to intervene again?

Mr. Truswell: I was hoping to come to an end, but, yes, I certainly will.

Mr. Liddell-Grainger: I thank the hon. Gentleman, who is being very generous. The hon. Member for Bolton, South-East (Dr. Iddon) is more knowledgeable than most of us on this issue, but the problem is that there is as yet no evidence, as far as I am aware, on the statistics. I am prepared to be proved wrong, but I looked quickly to see whether there was any. I have just asked the hon. Member for Brent, East (Sarah Teather) whether there was any such information from London, and she was not aware of any. That is one of the problems—we just do not know. Okay, we can say that it is early days and that Durham university may come up with more information, but it is not a convincing argument to say of such legislation, "Well, it must be making a difference; that's why we introduced it." Does the hon. Gentleman not understand that the way to do such things is based on logic, argument and statistics?

Mr. Truswell: Part of the problem with the hon. Gentleman's argument is that it is difficult to represent some of the issues in statistics unless we ask enforcement officers and the police to say how much time they have spent pursuing a particular issue. If we simply consider those who have been pursued under the existing legislation who might have been better dealt with under the new legislation, the statistics are probably quite marginal. We have to have confidence in the professionalism of

police officers, trading standards officers and council officers, and in bodies such as NABMA, which try to come to grips with the issue, year in and year out. The evidence may sound anecdotal, but the problem is that the statistical case will never be as watertight as the hon. Gentleman seems to want it to be.

John Battle: I put it to my hon. Friend that Westminster city council had legislation passed in 1999, and it has not come back to the House to change it. Perhaps if hon. Members consulted that council, they would find that its experience demonstrated that the legislation gave it a satisfactory resolution that other councils need—but only in the short term, until there is a framework, so that legislation is not built up piecemeal.

Mr. Truswell: I accept what my right hon. Friend says. The situation is the same for much of the legislation intended to protect consumers. A statistical approach is difficult, because some of the people we want to chase are not easily tracked down. If we get bound up in statistics, the hon. Member for Bridgwater (Mr. Liddell-Grainger) and the House will never be satisfied. We have to work on the basis of the information that comes from those who have to get to grips with the issue daily.

I understand that NABMA has reported evidence from around the country that shows that many towns have problems with unlawful street trading. A mini-survey conducted by the Local Government Association showed that of 100 local authorities, 90 reported problems with unlawful street traders. That might be a statistic, or it might be an opinion poll, but I think it is a significant addition to the argument.

Finally, I should like to reiterate a point made by other Members, and made forcefully by Opposition Members: we should not have to debate the Bills before us today. Instead, we should have a piece of national legislation that gives local authorities a discretionary power to tackle the issues when they identify a problem in their locality, now or in future.

5.31 pm

Mr. Julian Brazier (Canterbury) (Con): I will be brief, because a number of Members are waiting to speak and most of the points that I wanted to make have already been made very clearly, including by my hon. Friend the Member for Cotswold (Mr. Clifton-Brown), our Front-Bench spokesman.

In a nutshell, the problem is that we are dealing with a very old and worthy piece of Victorian legislation that applies nationally and cuts across the ability of local councils to use the Local Government (Miscellaneous Provisions) Act 1982. The Act was designed to, among other things, enable a council to say how many street traders it wanted and what it expected of them, and it allowed a council to enforce those decisions through a system of annual licensing. In some cases, the interval is much shorter than a year, but it should not be longer than a year.

I shall take Canterbury city council as my example. The council has decided how many street traders it wants and how many it is fair to have on the high street. I understand that at the moment it has given 13 annual licences and five temporary licences. The pitches are all on one side of the street to allow free movement of people on our very crowded high street, which is pedestrianised. In summer, it is sometimes so full that people try to use side streets if they want to make their way somewhere on foot. That whole system is effectively blown away by the Pedlars Act 1871. As the hon. Members for Pudsey (Mr. Truswell), and for Manchester, Central (Tony Lloyd), said, the 1871 Act effectively means that people who have no local locus at all, and who could have picked up a pedlars certificate from almost anywhere in the country—they are very easy to forge, so the person may not even have bothered to pay the £12.50—can put up a stand on wheels on the wrong side of the road, blocking an already extremely crowded street. Even if they commit no other offence at all, that in itself is a huge problem in a city that is a major regional shopping and tourist centre.

There are a number of other problems, some of which are already familiar from the remarks of other hon. Members. I ask my hon. Friend: who object to the measures to think for a moment about enforcement. My hon. Friend the Member for Christchurch (Mr. Chope) is a good friend and we see eye to eye on many subjects. He is a man of total integrity and is recognised as such across the House. I do not for a moment accuse him of having a vested interest, but the plain fact is that any attempt to enforce the measure involves lots of money for lawyers. It is extremely expensive not only in terms of money, but in manpower.

Mr. Chope: Can my hon. Friend explain why it is expensive in money for lawyers and manpower to find out that somebody has a pedlars certificate that is forged and to prosecute that person, when there is in every police authority in the country a register of pedlars certificates that have been issued?

Mr. Brazier: Let us take that as an example. Somebody has to approach the person and find out whether they have a pedlars certificate. They may say that it is not on them. They can be warned that they must produce it. One such person gave the address of a local women's refuge as the address from which he was operating.

Let us suppose that the person has a legitimate pedlars licence, which has cost him only about 12 quid, and he produces that; none the less, he is static. How is that to be proved? Answer: an official must watch him for a period. Some of those people are organised with runners, often youngsters, who will warn if a council official approaches. A relatively limited number of council officials in Canterbury are involved in such matters. Let us suppose that the official is not noticed and that the trader has not been tipped off. The official notices that the trader remains in the same place for a long time—as we heard earlier, this is all an expensive official's time ticking by—and is then required to give the person a verbal warning. That has to be followed on the next occasion with a written warning. Only then can proceedings be adopted. However, the penalties are terribly small—much, much lower than what it costs to be a legitimate street trader. They are seen as a modest overhead, but to achieve that, an official will have been deployed on at least three separate occasions and sent to court, and a lawyer will have been employed.

My constituency is a relatively poor one. Our unemployment rate, each time I look, is roughly the national average, but within Canterbury city, which is

[Mr. Brazier]

the poorest part of the Canterbury city council area, we have one ward—next to the cathedral—that has a national designation for deprivation. The council is a busy council, and council officers have a great deal to do. In our broken society, many of those tasks, sadly, relate to antisocial behaviour. The last thing I want as the Member of Parliament is to see council officials wasting their time going through all the mechanics involved in enforcing the provisions of a Victorian Act that was never designed with that in mind.

I suspect that, as was hinted at earlier, we could fix most of the problem by putting in clause 5, I think—the clause which effectively states that the exemption from the Local Government (Miscellaneous Provisions) Act 1982 for pedlars should apply only if they conduct their business house to house. Many of the other clauses, which are common across all the Bills that we are discussing, relate to snapping up the enforcement.

I end with three or four examples of the types of problem we have had. In one case, legitimate street traders complained that when the illegal traders set their stalls up, they often send somebody, usually a young girl, round to check the prices being charged by the legitimate traders selling the same kind of goods. Because they do not have the same overheads, they then underprice those traders and undercut the market. It might be said that that gives the consumer a better chance, but the problem is—we heard a harrowing example relating to a shopkeeper earlier—that operating without the licence that a real shop has to provide and without the annual check-up to which a legitimate street trader is subject makes it so easy to undercut in that way. Counterfeit goods are commonly sold and people often complain that when they bring poor goods back, the person has gone. I understand from the police that stolen goods are often marketed in this way and that some of these people have even got into drugs.

Let me provide some examples of court cases to illustrate how the system simply does not work. One man was prosecuted three times. Let us remember what prosecuting someone entails: first, we have to find and monitor these people; then we have to warn them; then we must warn them in writing; and finally we get to prosecution. Then there was a second prosecution and then a third. This man received a £50 fine, £300 costs on the last offence and a conditional discharge. In other words, he got off at a much lower total cost than if he had paid for a proper street licence. No organisation funded by the taxpayer should be expected to go through that kind of nonsense. One man caught selling items, as I mentioned earlier, gave a woman's refuge as his address to the relevant official. Some people have been prosecuted up to four times. We have also experienced problems as a result of people being physically and verbally aggressive when they are checked up on. That can be difficult for officials to deal with.

Mr. Clifton-Brown: May I suggest to my hon. Friend and the House a succinct way of dealing with the problem? This is how it has been dealt of with in the Manchester City Council Bill and other Bills. As I pointed out in my speech, it is simply to amend schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to restrict the definition of pedlar to someone who goes only from house to house. That would deal with the problem of static stalls in any of the busy areas in my hon. Friend's city, and it would allow his council to designate a particular area as one where nobody may trade. The council could then prohibit anyone from trading in any such difficult area.

Mr. Brazier: Indeed, my hon. Friend is absolutely right and I understand that that feature is common to all the relevant Bills. Adding those few words into the 1982 Act would transform the situation.

Mr. Chope: Surely the problem that my hon. Friend is describing is one of enforcement in respect of rogue traders, people who purport to be pedlars but are not, people who do not have pedlar certificates and people who are operating outside existing pedlar law. My hon. Friend is trying to change the law, which might penalise the lawful and legitimate pedlar.

Mr. Brazier: I am afraid that my hon. Friend leaves me totally at a loss. I have spent the last few minutes explaining why the present law is unenforceable. If he were not such a good friend, I would say that only a lawyer could fail to understand that argument. Having made that point, I rest my case.

5.44 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): It is a pleasure to follow my hon. Friend the Member for Canterbury (Mr. Brazier), who spoke passionately about why the Bill is appropriate in his area and offered insight by providing examples of the current situation that we face.

I rise to support the Bournemouth Borough Council Bill, which my council firmly supports. The irony of today's debate is that it has been very illuminating because it has been quite an education to hear all sides putting forward their views on the clear predicament created by the differences between the Pedlars (Street Trading Regulations) Bill and the Local Government (Miscellaneous Provisions) Act 1982. What I feel is sad—

Mr. Chope: Will my hon. Friend give way?

Mr. Ellwood: So early! I would be delighted to.

Mr. Chope: Does my hon. Friend accept that if we had not had the Second Reading debates, which would not have taken place if the Bill had not been blocked, we would not have been illuminated in the way that we have been?

Mr. Ellwood: The second irony today is the fact that my hon. Friend has, if I may say so politely, perhaps been responsible for a couple of the delays in being able to debate the Bill, whereas there has been a full and forthright debate on it in the other place, including in Committee. My point, to him and the House, is that there should be more opportunity to debate it.

The Minister's announcement that there is to be a study of the issue by Durham university is broadly welcome. Why not allow the Bill to move on to Committee, where we would be able to take evidence from more individuals and organisations, so that we could reach a

better understanding of what is happening? The Bill would then, if I am correct, return on Report, which would give the hon. Gentleman—I mean my hon. Friend; I must remember that he is still my friend—the opportunity to say, "I've had enough—I believe we should let this one go." Let me plead with him now, as I probably will at the end, to allow the Bill to advance. It has to come back on Report, but there is clearly much to learn.

I pay tribute to Lord Eden of Winton.

Mr. Greg Knight: I received an e-mail yesterday from Mark Smith, the head of tourism at Bournemouth borough council, who said:

"The Leader of the Council...believes"

that the Bournemouth Bill

"reflects the wishes of our local people, local businesses and visitors."

I wonder what evidence Bournemouth borough council has already collected to enable it to state that visitors to the town want the provisions.

Mr. Ellwood: My right hon. Friend makes a pertinent point. I am more than happy to provide the evidence that Bournemouth borough council has put together, which includes information and feedback from visitors. I have a couple of letters with me, which I will come to later, but on the general point about evidence, my right hon. Friend is absolutely right. Any change in the law must be evidence-based. It cannot be introduced on a whim.

However, I would hate to see the proposals run into the buffers today, when we have not had an opportunity to go through the evidence properly. Some hon. Members have spoken with passion, but perhaps without the necessary evidence. They need the opportunity to collate it and local authorities need the opportunity to present it. That could happen in Committee.

Mr. Liddell-Grainger: One point that I have made to various Government Members, as well as to fellow Conservative Members, is that the evidence is not there. The evidence from Northern Ireland and London, where the provisions have been enacted, as my hon. Friend well knows, has still not come through. One reason I feel so strongly—our hon. Friend the Member for Christchurch (Mr. Chope) feels the same way—is that there is no evidence. My hon. Friend argues from a position of strength in saying, "We need it," but then argues from a position of weakness when he says, "Actually, we haven't got it." Let us stop the process and wait for the Minister and Durham university to do their jobs. Does my hon. Friend not accept that we can then go forward on a much stronger basis?

Mr. Ellwood: I have not even got out of the starting blocks, yet I have been intervened on three times. I am more than delighted to be intervened on, but let me try to put forward a case for looking at the provisions in further detail.

I hope that my hon. Friend would agree that our objective in Parliament is to allow the democratic process to take its course. More than 70 authorities are thinking about similar proposals. Is he saying that they are all wrong? Why not give an opportunity to debate the issue in more detail? He is saying, "Throw it out!" whereas I am saying, "Give it a little more time, then let's make an assessment later on," which could include hearing from the good people of Bridgwater.

I was in the middle of paying tribute to Lord Eden of Winton, who did such an amicable job of moving the Bournemouth Borough Council Bill through its various stages in the House of Lords, where it received an awful lot of scrutiny. I recommend that hon. Members read the *Hansard* reports of those debates, which are so applicable to what we are talking about today.

I was pleased to hear an indication from the Minister that we will consider the matter in more detail. I am sorry to hear that the provisions will not be in the Queen's Speech—we have already heard from the Prime Minister what will be in it, and the report that we are due to receive will not come until autumn.

The summary of the Bournemouth Borough Council Bill is: to make provisions relating to street trading and consumer protection in the area of Bournemouth; in particular to allow the council to regulate services offered on the street as well as the sale of goods; to alter the exemption enjoyed by the holders of the pedlars certificates from the street trading regime in the Local Government (Miscellaneous Provisions) Act 1982; to empower council officers or the police to seize goods and equipment when they believe a street trading offence has been committed; and to empower the courts to order the forfeiture of such articles.

Why is that being called for? The existing laws, I am afraid, are simply not working. The situation in Canterbury that my hon. and gallant Friend the Member for Canterbury described also applies in Bournemouth. We have confusing and out-of-date laws. I hope that my hon. Friends who have spoken against the Bills will not support the status quo. There is a blurred line between a pedlar and a trader. Two Acts of Parliament that were written a century apart are colliding in a major way, and people are taking advantage of it.

What is a pedlar? Trading by a person who is an authorised pedlar is exempt from the provisions of the 1982 Act. As other Members have said, however, to become a legitimate pedlar one simply has to gain a certificate issued by the police and keep on the move. The licence costs a mere £12.50, and can be applied for and gained anywhere in England, Wales or Northern Ireland. It can also be used anywhere in England, Wales or Northern Ireland, except in those areas where Acts similar to the Bills under consideration have been put into practice. That is a double standard, and that is why I plead with my hon. Friends and other Members not to preserve the status quo, which is unacceptable.

Mr. Chope: My hon. Friend seems to be complaining about the £12.25 fee, but how great does he think it should be? If a shotgun licence is issued by one particular police authority, it can be used anywhere in the country. What is wrong with that principle applying to pedlars?

Mr. Ellwood: There are two responses to that. First, I did not complain about the £12.50 price itself; I just place it in the context of the much greater price of the street trading licence, which has led to the popularity of the pedlars licence. As for the example of the shotgun licence, yes, it can be purchased anywhere in the country,

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but if it is used illegally anywhere in the country, proper powers exist for that usage to be curtailed. I hope that he agrees on that point.

Mr. Brazier: To emphasise my hon. Friend's point, anyone who broke the law relating to a shotgun licence would in all likelihood go to prison, even for a first offence. Having once been found guilty of armed trespass, if one uses a shotgun where one should not, one would go to prison on the next offence. With pedlars licences, there is no arrangement for anything more than a minimal system of fines.

Mr. Ellwood: I am grateful for that clarification.

I do not wish to detain the House, but I want to repeat the definition of a pedlar in the 1871 Act, quoted by my hon. Friend the Member for Cotswold (Mr. Clifton-Brown):

"The term 'pedlar' means any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods".

The movement aspect of that is important. Also, it was written for a very different time. So long ago was the legislation drafted, that the Liberal party was in charge of Great Britain. That is how long ago it was—Victorian Britain. It was the time of Gladstone and Disraeli. It was Dickensian Britain.

Dr. Iddon: I remind the hon. Gentleman that the 1982 Act was passed by a Conservative Government. They could have put the Victorian legislation right at that time.

Mr. Ellwood: The hon. Gentleman makes a valid point. I am afraid that I was not in the Conservative party then; otherwise, I would certainly have endeavoured to do what he suggests.

I am painting a picture of a very different Britain. We have the ability to travel, and not just by horse. Communications now involve mobile phones, and pedlars can communicate between themselves on where they can and cannot go, where there is an easy target or not, and where trading can be done on a permissive basis. Also, the practice of moving door to door does not happen any more. In fact, if someone knocks on a door to sell goods in certain parts of the country, he will get short shrift. The legislation is out of date. That is why it is being abused.

Mr. Clifton-Brown: Does my hon. Friend agree that the 1871 Act watered down a previous Act? I looked up the meaning of a petty chapman and it stems from a law handed down by Edward VI in 1553. A petty chapman was a retail dealer. The King said:

"No Tinker, Peddler, or petit Chapman shall wander about from the Towne"—

in other words, that person was restricted to a particular town—

"but such as shall be licensed by two Justices of Peace."

The earlier law was much stricter than even the 1871 law. It is about time we went back to the original 1553 law.

Mr. Ellwood: We are going back to Elizabethan times—or perhaps James I. However we look at the legislation—whatever angle we approach it from—it needs to be updated.

The reality of today's legislation is that it is affecting Bournemouth town centre. I invite hon. Members to come to Bournemouth to see the impact—the evidence—for themselves. I invite them to see what is happening in the town centre and the Lower Gardens. The town has about 5 million visitors every year. We rely on tourism. It is our biggest industry and needs to be managed effectively. I am afraid that illegal traders are beginning to tarnish our image as a popular family seaside resort. The illegal traders are there from about Easter to Christmas every year. Considerable effort has been made to manage the situation to understand what the pedlars want in relation to the street traders. We have not been able to reach a compromise because people are leaning on this archaic legislation, which so needs to be updated.

Mr. Chope *rose—*

Mr. Ellwood: I give way to my hon. Friend from the neighbouring constituency of Christchurch.

Mr. Chope: My hon. Friend will know that Christchurch is an ancient market town and like Bournemouth. Surely there is no need for Bournemouth to license any street traders. If it did not license street traders, the problems that he describes in the square and elsewhere would be much reduced.

Mr. Ellwood: I do not follow that argument at all. We have to license street traders because of other laws. There are issues to do with insurance liability and so forth. If anyone has a stand that is permanent and not moving, as according to the 1871 Act, he needs to operate accordingly. I suggest my hon. Friend read the 1982 Act, which requires street traders to pay for a licence. That licence costs in the region of between £25 and £30 a day, not £12.50 a year.

Mr. Greg Knight: In the argument that my hon. Friend is developing, is he in effect saying that the problem would be solved if Bournemouth council reduced the cost of the street trading licence so that it equated with the cost of a pedlars licence?

Mr. Ellwood: I am not advocating that.

Mr. Knight: That is the logic.

Mr. Ellwood: We have a series of problems. The Bournemouth Borough Council Bill, which I shall discuss in a moment, includes changes to local legislation that will allow us to tackle the problem.

My hon. Friend the Member for Christchurch (Mr. Chope) has discussed his constituency. I am sure that he knows Purbeck district council, which has not experienced the problem of pedlars on the same scale as in Bournemouth. Purbeck district council is not affected by the problem, so it does not require such legislation.

I am pleased to see the Under-Secretary of State for Business, Enterprise and Regulatory Reform, the hon. Member for Harrow, West (Mr. Thomas), back in his place. He does not need to get feedback from 410 local

authorities across the country, but it would be helpful. The issue is pertinent in seaside towns and market towns where there are tourists and visitors, who allow pedlars and, indeed, street traders to make a profit. We need a reconciliation between the two types of trader who are taking advantage of two distinctive and disparate Acts of Parliament.

As shadow Minister with responsibility for tourism, I have a national interest in the matter—I see that the Culture, Media and Sport spokesman for the Liberal Democrats, the hon. Member for Bath (Mr. Foster), is in his place. We must ensure that British tourism thrives. We are currently suffering from a tourism deficit—more people choose to holiday abroad than in the UK—and we need to make Britain attractive. If there is any reason why people are deterred from going to our seaside towns, we must investigate the situation. The matter needs more scrutiny, which could take place in Committee.

Illegal street trading is flourishing. We have heard examples involving sunglasses and kites, and the quality of such goods is certainly dubious. We have also heard from hon. Members about the fact that there is no comeback. If people buy goods from a pedlar, they cannot return one week later and try to get their money back if something has gone wrong. However, people can get their money back from a street trader, so the circumstances are different. Unfortunately, because of the way in which the Pedlars Act 1871 was drafted, pedlars are illegally selling mimicked, oriental goods, which are entering this country in increasing numbers. As we have heard, there is very little recourse to prevent that from happening. Health and safety has been mentioned, so I will not go into further detail.

My hon. Friend the Member for Christchurch has suggested using the existing legislation to get the police to tell pedlars to move on or to get the council to go through the process of charging them, but it is not that simple. It now costs the council about £1,000 to go through the rigmarole of warnings and so forth, which my hon. Friend the Member for Canterbury has been through. By that time, the individual has scarpered, regardless of whether they were using an illegal licence or a legitimate licence.

We have a lot of eastern Europeans in Bournemouth. They pick up licences because a master who is operating the store has told them to do so. Such masters send out individuals every week knowing that the licence will probably be taken away eventually, in which case they send another individual out instead. That is not how our markets should operate; that is not how our town centres will flourish; and that is not the way to look after our seaside resorts. Prosecution involves charging individuals £100, but the process costs the council £1,000. It does not take a rocket scientist to work out that that wastes an awful lot of taxpayers' money.

Pedlars have an impact on legitimate businesses, whether street traders or shopkeepers. They should not be seen as street traders, and they are required to move from place to place. Clause 5 of the Bournemouth Borough Council Bill amends the appropriate schedule to the 1982 Act to make it clear that a pedlar will not be able to trade in a prohibited street unless they are trading from place to place, and that they cannot trade in a consented street until they first obtain consent from the local council. That would not prevent anyone from peddling, which is one argument that has been advanced. I am not against pedlars per se, but the practice should be conducted in an authorised manner, which is what I am looking for. Bournemouth, along with other places around the country, is a first-class destination resort, but it is currently served by third-class legislation.

My right hon. Friend the Member for East Yorkshire (Mr. Knight) wanted some evidence. Let me share with him some correspondence that I received, which oddly enough is not directed at me, but at one Christopher Chope—my hon. Friend the Member for Christchurch. I will read it out anyway. The first is from the British Resorts and Destinations Association, and says:

> "I am writing on behalf of the Local Authority members of the British Resorts and Destinations Association...Regrettably, until such time as Central Government act to repeal or significantly amend the existing pedlars' legislation, towns like Bournemouth will have no choice but to seek local solutions."

That is from BRADA, as it is called. Castlepoint is a big, private shopping centre in Bournemouth, of which hon. Members may be aware. Its letter states:

> "On a recent customer survey at the centre, one of the main criticisms of Bournemouth town centre was the number of unsolicited activities that take place in the town compared to Castlepoint where no such activity is permitted. I do not wish Bournemouth to continue to haemorrhage customers since a vibrant Bournemouth town centre is good for us at Castlepoint, too...The unlicensed pedlars tarnish that brand."

That is from Peter Matthews, a general manager at Castlepoint, who refers to some of the surveys that have been conducted in Bournemouth.

The final letter is from the Bournemouth War Memorial Homes charity. It states:

> "Last summer the Residents who are all disabled ex-service personnel were granted a licence to fund-raise in Bournemouth Square.
>
> Ten residents volunteered to collect on the day. The net result was a total of £67"—

we are talking about a day's collection—

> "entirely due to the fact that their modest stand could not be seen by the general public as there were so many unregulated traders everywhere, some quite nasty and unsympathetic to those who have served our country."

Their licence cost them £30, for that day, for the privilege of collecting money in the town centre. They made £67, and there were other costs, such as public liability insurance and so forth. That is the reality of the legislation, which is why I urge hon. Friends and other hon. Members to say that we should look at it further. We should move to the next stage and debate it in Committee. Pedlars should not be street traders, which is why I believe that the legislation is archaic and should be upgraded.

Can it be that 70 councils throughout the UK are wrong? We have a bizarre situation, which I referred to in an intervention, where up to 10 million people—residents and in businesses—are already living in areas where this legislation is in operation, such as Northern Ireland, London, Leicester, Liverpool and Medway. Other councils, including Bournemouth, Manchester, Leeds, Nottingham, Reading and the constituency of my hon. Friend the Member for Canterbury are queuing up to say that we should change the legislation and bring it up to date, to allow a better understanding of the predicament involving the Local Government (Miscellaneous Provisions) Act 1982 and the Pedlars Act 1871.

Mr. Robert Walter (North Dorset) (Con): I came here today because I am sympathetic to Bournemouth's problems, but I am a little concerned about the 70 or so local authorities that are in the queue to which my hon. Friend refers. Does he feel that if Bournemouth's legislation is successful, those traders will move north into my constituency, right on the edge of Bournemouth? We have Wimborne market, a big open-air market that operates three days a week. Those traders might create problems for East Dorset district council, which might not have the resources that Bournemouth borough council has to introduce similar legislation.

Mr. Ellwood: My hon. Friend makes a valid point that has been repeated again and again. In Newcastle, such legislation was brought in successfully, and a lot of the pedlars moved across to Gateshead. The first question is: why are those pedlars who wanted to operate in Newcastle not applying to be legitimate? Why are they not choosing to do things above board? I do not wish to disparage my hon. Friend's constituency but, as in the case of Bournemouth, there has to be a threshold of a thoroughfare of people—either residents or tourists. I am sure that there are many visitors to his area. But there are some areas—I mentioned Purbeck as an example—where such legislation would not be required. My hon. Friend the Member for Cotswold made it clear: any new legislation should empower rather than enforce councils to operate revised pedlar provisions.

Time is running short, so I shall end by simply saying that the Government have taken a small step in the right direction. I hope that the Minister, and other Members, will listen to those whose voices we are hearing throughout the United Kingdom. There is, I believe, a consensus in the House and the nation in favour of change. I certainly believe that we need to give councils the power—but not necessarily the duty—to make decisions locally.

I welcome the Government's announcement, because I do not support the status quo. This is unfinished business, and if it is not finished today, I hope that it will be in 24 months' time if not earlier, after a general election.

6.10 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I rise to speak with some sadness, because although I agree with my hon. Friends about 90 per cent. of what we are discussing, I cannot agree with what they have said today. My hon. Friend the Member for Bournemouth, East (Mr. Ellwood) said that it would be democratic to pass the motion. I believe that it is also democratic to oppose it. I feel that these Bills must be stopped, for a simple reason. As was made clear a moment ago, if a Bill affecting a particular area is enacted, people will move and the problem will be passed on. I am not at all convinced that the county, district and unitary councils that have adopted these measures so far have seen the major change that they expected to see.

Let me issue a challenge. All those other towns, including London and towns in Northern Ireland, have highly competent CCTV systems, which they ought to use to collect evidence in order to demonstrate whether the measures are making a difference. According to evidence presented in another place, Bournemouth said that although its system was good, it did not know whether that could be done. Of course Bournemouth's system may need to be updated, but I can assure the House that, without a shadow of doubt, London and Northern Ireland—and, I think, Newcastle, of which I have a little experience—have extremely good systems, which would certainly be able to provide clear evidence.

The problem is that we are not all discussing the same Bill. We are discussing different Bills and different problems, and each Bill is trying to achieve a slightly different aim. That is fine as far as it goes, but in the long run it cannot be right. What we need—dare I say, as a Tory—is standardisation: each licence, whether it costs £600-odd in Manchester or the £12.25 paid by a pedlar, must be standardised.

I am pleased that the Government are to undertake sensible research, which I think should be done as quickly but also, as the Minister said, as diligently as possible. What worries me slightly is that I think the Minister said—I am sure he will correct me if I am wrong—that he wants Durham university to deliver the results of that research by August.

Mr. Thomas: I said "autumn". Let me also take this opportunity to assure the hon. Member for Christchurch (Mr. Chope) that we will publish the terms of reference on the Department's website.

Mr. Liddell-Grainger: I thank the Minister for clarifying the position, and apologise for mishearing the word "autumn".

One group that has kept very quiet about this, perhaps for a reason of which I am not aware, is the Local Government Association, which covers every area of local government in the country. I have yet to hear anything from the LGA.

Mr. Ellwood: May I return my hon. Friend to what he said about CCTV? It is a great idea, but Bridgwater must be an extremely rich council, because CCTV is expensive. If my hon. Friend gave Bournemouth some money, we would be delighted to install it. More to the point, the Local Government Association supports these Bills.

Mr. Liddell-Grainger: The subject was raised in evidence in the other place. The witness was called Mr. Smith. I cannot tell the House who he is, but no doubt he is a council official: of course, they are all called Smith. He was asked whether there was sufficient CCTV in the area to be able to gather evidence, to which he replied that at present there was not, but that that could and would be put in place. That is the difference—and the situation in Bournemouth may have moved on from that.

Dr. Iddon: A few weeks ago, the LGA carried out an e-mail survey on my behalf so that I could pressurise the Minister. More than 70 local authorities had replied when I talked to the Minister, and my hon. Friend the Member for Pudsey (Mr. Truswell) has mentioned the figure of 90. Therefore, it is simply not true to say that the LGA has not consulted on this; it has done, although by e-mail, admittedly. I also ask the hon. Gentleman to consult the trading standards officers in Newcastle and hear their version of how much the town centre has improved since the Newcastle Bill was enacted.

Mr. Liddell-Grainger: I thank the hon. Gentleman for his comments. His experience is, of course, greater than mine. I suspect that the LGA has decided that it now needs to do something about this, although I am a little concerned that it has consulted by e-mail. I am unsure whether that went to all Members of the House, as I do not remember seeing it, but I accept that it went to 70 local councils—there are, however, 410 local councils. I also do not know whether that figure included the original councils that have signed up already; if it does, that makes a difference, especially taking London into account.

Dr. Iddon: Not all local authorities are affected in the same way as are York, Bournemouth, Manchester and Liverpool. A substantial number of authorities are affected, but not all 410 are.

Mr. Liddell-Grainger: All authorities will be affected if we allow the Manchester and Bournemouth Bills to go through.

Mr. Ellwood: Will my hon. Friend give way?

Mr. Liddell-Grainger: May I finish my point first? They will all be affected because people will be moved on—my hon. Friend the Member for Christchurch (Mr. Chope) made this point. This will affect us all. We have a large fair in Bridgwater and we have had a problem, but through sensible and constructive actions by the police, trading officers and the council, we have not had a problem with pedlars. We have been proactive and the action we have taken has worked extremely well.

Mr. Brazier: My hon. Friend made a statement at the outset, which I am still waiting for him to justify as it represents a complete departure from anything said earlier in the debate. He said he wanted pedlars and street traders to be treated in exactly the same way. Does he really mean that, because the concern has been repeatedly expressed in the debate that some pedlars behave as though they are street traders—which is something quite different—but do so in a way that makes it impossible to make the law enforceable?

Mr. Liddell-Grainger: I thank my hon. Friend for that question, and I will try to clarify the position. I was trying to say—probably unsuccessfully—that there is a major difference. In Manchester, street traders are charged £623 whereas the figure for a pedlar is £12.25. There is no similarity; they operate in different ways. I hope that that clarifies the position.

Mr. Greg Knight: Does my hon. Friend accept that we should view with some scepticism any opinions expressed by the LGA, and when we gather evidence we need evidence other than the fact that councils want these powers? Local authorities might want these powers because the fact that pedlars can operate at a cheaper rate shows that their high fees for street trading are unjustifiable.

Mr. Liddell-Grainger: I was going to come on to that point, but may I first remonstrate with the LGA? I am concerned that it has taken so long to get on to this issue, which has been around for a long time. Successive Governments have tinkered with it. In respect of the last reviews of the statutory obligations, the Government accepted all nine recommendations, but I am not aware of the LGA having put forward any form of consultative document on that. It has been very slow.

On the fees, of course local councils want to raise more money. If Canterbury, Bournemouth and elsewhere, including Manchester, had their wits about them, they would increase those fees—to, say, £600—and door-to-door salesmen, or pedlars, or whatever we want to call them, would be priced out of business. That would be unfortunate, because people should not be precluded from going from door to door; that should be encouraged. The point has been made—we all know this, as we have recently had a by-election in Crewe and Nantwich—that we are not always welcomed on doorsteps. Surely one has the right to be able to go from door to door; that activity should not be covered by the Bill and we should not allow its prohibition in the longer term.

I had promised to speak for only 10 minutes, but I wish to make a final point. Enforcement is possible as things stand, but it requires people who are willing to do it. We have heard a lot of arguments today that it costs such and such a figure, but there are ways of enforcing this and they should be used. We do not have to introduce new Bills and new statutory obligations. Let us leave things to the review that the Government are going to undertake, and let us see what the rights and wrongs are. As I have said before to hon. Members in this debate, what evidence do we have that our system is not working? The evidence is pitifully little. I suggest that councillors need to take a stronger line, using trading standards, the police and their own council resources—CCTV and so on—to administer this situation, because it is not beyond the wit of man. If we can solve parking problems, we can solve a lot of things in city centres. Let us be honest, the matter is a bit of a hot potato, with various crimes that I do not need to discuss, but I am sure that we could deal with this.

I continue to oppose this Bill, because I strongly believe that it is not the way to make progress. I believe that we need a framework document, put together by the Government and enacted either by this Government or the next Government—I know who that will be; it will be our Government. I would like to think that we could have this debate again after the autumn, when we could look at what the Government are proposing in much more detail. At that point, we should stop what is going on and examine it in the cold light of day, before we make another mistake.

6.21 pm

Mr. Christopher Chope (Christchurch) (Con): The first thing that is apparent is that my blocking motion has ensured that none of these six Bills received a Second Reading on the nod. The quality of today's debate has shown that I was right to insist that the Bills should be properly debated on Second Reading. The Minister's statement and the major policy announcement made by the Conservative Front-Bench spokesman, my hon. Friend the Member for Cotswold (Mr. Clifton-Brown), would not have been possible but for this debate.

Mr. Greg Knight: Will my hon. Friend not waste any time in speaking to the Nottingham City Council Bill? We have not heard from any Nottingham Member, so I can only conclude that that Bill is not required

Mr. Chope: I had not yet got on to Nottingham. I was going to begin by discussing Bournemouth, because that is closer to home and my constituency. Those hon. Members who were not able to listen to BBC Radio Solent this morning might like to know that on it, Mark Smith, Bournemouth borough council's head of tourism, asserted that he thought one of the problems in Bournemouth town centre was that pedlars were harassing people. Many people subsequently phoned in, e-mailed or sent text messages to BBC Radio Solent saying that they disagreed fundamentally with what he had said. The context of that discussion was very much that the case had not been proved for introducing such draconian changes to the law on a unilateral basis, which is what Bournemouth borough council intends to do.

May I briefly share with the House some correspondence that I have had with the store manager of Marks & Spencer in Bournemouth? He wrote to me expressing concern about my attitude to the Bournemouth Borough Council Bill. I wrote back saying:

"You say that the Pedlars Act is a piece of legislation from Victorian times. That is obviously correct but am I not also correct in recalling that it was under pedlars legislation that Marcus Sieff was able to build up the large business with which you are now associated?"

He has not responded to that question. I also asked him:

"Why should those who wish to sell balloons"

—the people who are at the beginning of an entrepreneurial career—

"to tourists in Bournemouth not be allowed to do so?"

I have yet to receive a response to that either.

Mr. Ellwood: Now that my hon. Friend has alienated Marks & Spencer, I am not sure where he will now buy his underwear—perhaps Beales in Bournemouth. He mentioned balloons, but they can still be sold in Bournemouth or Christchurch. It is simply that, under the new legislation, they will be sold legally. That is the point of the change.

Mr. Chope: My hon. Friend misunderstands the law. At the moment, someone with a lawful pedlars certificate can sell balloons wherever he wishes. If my hon. Friend has his way and the Bournemouth Borough Council Bill becomes law, it will no longer be possible for someone with a certificate to sell balloons on the street in Bournemouth unless he also has a street trading licence for which he may have to pay a substantial amount of money.

The issue of pedlars is romantic and evokes entrepreneurs of a previous age. W. B. Rands, the originator of *The Boy's Own Paper*, had a little ditty about them:

"I wish I lived in a caravan,
With a horse to drive, like the pedlar man!
Where he comes from nobody knows,
Or where he goes to, but on he goes!"

That is most people's view of the pedlar—someone who travels from town to town selling his wares and passing the time of day with his customers. The essence of the law is that he seeks out his customers rather than expecting them to come to him, in the same way as we go out canvassing during elections. We go to meet our constituents rather than expecting them to come to us at our surgeries, which is the form the rest of the time.

Tony Lloyd: I congratulate the hon. Gentleman, because while he has intervened, he has not used an excessive amount of time today. He made a point about the quality of the debate today, but does he agree that it would be in the interests of the pedlars, whose cause he espouses, if we could move from this Second Reading debate to more detailed consideration in Committee?

Mr. Chope: I am sure that in due course the Bills will get a Second Reading. It would be better, in terms of the costs for the councils that are promoting the Bills, if the Committee stages did not start until after we have had the evidence from the Durham university study. That would prevent abortive expenditure by the local authorities and that evidence would also inform the Committee stage. Our procedures mean that persistence pays off and, in due course, the Bills will get a Second Reading, if enough people vote for them. But whether that will be today, I can only speculate.

As a local resident close to the Bournemouth conurbation, I have made it my business to try to be the healer in this issue. I went in January to an early-morning meeting at Bournemouth town hall to discuss possible compromises in relation to the objection that I was making to the Bill. I have to express my disappointment that I have not had a full response from the council to some of the concerns that I expressed. I asked one of the key councillors, in writing, whether he could let me know what estimate he had of the number of lawful pedlars operating in Bournemouth, what consultations had been carried out with those people about the contents of the Bill—

It being three hours after the commencement of proceedings on the private business set down by the Chairman of Ways and Means, MADAM DEPUTY SPEAKER *interrupted the business pursuant to Order [4 June].*

Ordered, That the debate be resumed on Thursday 19 June.

BOURNEMOUTH BOROUGH COUNCIL BILL *[LORDS] (BY ORDER)*

CANTERBURY CITY COUNCIL BILL *(BY ORDER)*

LEEDS CITY COUNCIL BILL *(BY ORDER)*

NOTTINGHAM CITY COUNCIL BILL *(BY ORDER)*

READING BOROUGH COUNCIL BILL *(BY ORDER)*

Orders for Second Reading read.

To be read a Second Time on Thursday 19 June.

PETITION

Planning and Development (Salisbury)

6.29 pm

Robert Key (Salisbury) (Con): The petition from the citizens of Salisbury and south Wiltshire

Declares that the Government proposals to impose the building of an additional 12,400 houses on our community will change forever the character of this unique part of rural England's landscape and heritage.

The petition also states:

The Petitioners therefore request that the House of Commons urges the Government to annul these proposals and bearing in mind the imminent abolition of Salisbury District Council and Wiltshire County Council and their replacement by a new Unitary Wiltshire Council as Planning Authority to delay any decision on future housing options for at least one year and to leave development policy in the hands of their locally-elected planning authority, pursuing organic and sustainable growth in our local economy and in the provision of new homes.

Following is the full text of the petition:

[The Petition of the citizens of South Wiltshire,

Declares that the Government proposals to impose the building of an additional 12,400 houses on our community will change forever the character of this unique part of rural England's landscape and heritage; has been proposed with inadequate time for proper consultation; is not supported by proposals for new physical or social infrastructure and will result in the loss of prime agricultural land.

Further declares that the underlying planning assumptions of economic and population growth in central southern England are speculative and flawed and ignore the special nature of the open landscape and natural environment which enhances biodiversity in a precious, pollution-free, low-carbon area which is as important to the whole of England as the speculative construction of new houses.

The Petitioners therefore request that the House of Commons urges the Government to annul these proposals and bearing in mind the imminent abolition of Salisbury District Council and Wiltshire County Council and their replacement by a new Unitary Wiltshire Council as Planning Authority to delay any decision on future housing options for at least one year and to leave development policy in the hands of their locally-elected planning authority, pursuing organic and sustainable growth in our local economy and in the provision of new homes.

And the Petitioners remain, etc.]

[P000212]

Deprivation (Edmonton)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Michael Foster.]*

6.30 pm

Mr. Andrew Love (Edmonton) (Lab/Co-op): I was hoping that the previous debate might end a little early and give me more time, so I shall need to speed along to try to get to all the points I want to raise.

This debate is about the level of deprivation in Edmonton, and I seek to show that deprivation and worklessness are increasing rapidly in the London borough of Enfield, in which my constituency is situated. Of course, the borough does not adequately reflect the intensity of the real difficulty faced in my constituency. There is enormous disparity in the London borough of Enfield and my area is the one that has the most intense deprivation. I also seek to show that future employment opportunities in north London are in steep decline, causing some concern locally. Public funding to address the issues of deprivation and worklessness is being either withdrawn or cut. As a result of that, I want to ask the Minister what he can do to support my constituents.

Let me start with some limited good news. The local government settlement for Enfield meant that we received the third highest formula grant in London. We should have received 9.5 per cent. but received only 4.5 per cent. It was reduced because we had to ensure that the 29 London boroughs that had lost out in the process received the minimum floor of the formula grant. When I requested an explanation of the settlement from my local authority, it said:

"Enfield's formula grant increased by so much largely due to increases in certain indicators that feed through to formula totals including unemployment-related benefit claimants...and Incapacity Benefit...claimants".

Let me give some examples. The number of claimants of income support has shot up in my constituency and the London borough of Enfield. From 2001 to 2006, Enfield had the highest increase in the country—13.7 per cent.—at a time when the national figures were decreasing by 6.5 per cent. Enfield is the 17th highest area in terms of incapacity benefit claimants and second highest in the country in terms of lone parents. Worklessness has increased, rising by more than 17 per cent. in 2006. There is also what we call the London effect, which was defined in a 2006 Treasury paper entitled "London Employment". The paper stated that

"some national policy responses to unemployment and economic inactivity can be less effective in London. Policies intended to raise the financial gain to work can be less effective in London because housing costs and costs of working can be higher".

According to a recent study, my local residents have the 25th smallest incomes in the country, and the fourth smallest pay packets in London. Incomes locally are very low, but the conditions in my local authority of Enfield do not tell the whole story. There are huge disparities across the borough, as I shall show. The gross median wage is £385 in Edmonton, £446 in the more affluent areas, and £495 in the most affluent part. Similarly, unemployment in January totalled 5.8 per cent. in Edmonton, 3.9 per cent. in the more affluent areas and as low as 2.6 per cent. in the most affluent part of the borough. Enfield is not alone in having such great disparities, and that is especially true in London,

[Mr. Andrew Love]

but the people who work out the levels of need must recognise that there are real differences between London boroughs when it comes to deprivation and worklessness.

I turn now to employment opportunities in the future. In 2006, a seminal study entitled "Employment Projections in Outer London" was carried out by the London School of Economics. It concluded that only 10 per cent. of the growth in employment in London to 2016 would be in outer London, and that there would be nil growth in employment in both Enfield and in parts of south London.

The reasons are complex, but there are structural weaknesses in the Enfield economy. We are more dependent on jobs in industry and public services, and those sectors are the least likely to grow in the years to 2016. We are also sandwiched between the dynamic inner part of London, where there will be significant job growth, and the competitive home countries that will also do well in the given period.

The London borough of Enfield is also likely to have significant population growth over the next 15 years. When those two facts are put together, the implication is that there will be more commuters who live locally but work in either central London or the home counties, and that will place capacity constraints on public transport. The major growth in central London will be in jobs in finance and business services, but they do not suit everyone. They especially do not suit people with lower skill levels, of whom there are many in my constituency.

The LSE report suggested that greater focus should be placed on the London development plan, which has four development corridors. The one in north London runs through Cambridge and Peterborough, and the study very strongly recommended that there needed to be more funding for that development activity.

I turn next to the resources that we should be able to deploy to address some of the local weaknesses that I have outlined. European structural funding includes the social fund and the regional development fund. Until 2006 Enfield had objective 2 status, but the shift of resources to the east of Europe meant that there had to be a significant reduction in structural funding. There was an option to replace that with national funding, but it was not taken up.

The Government's national strategic reference framework removed objective 2 status for north London, and as a result we lost a series of large project funds. We also lost the funding available through the grants to objective 2 areas. Subsequently, we have discovered that only €182 million will be available for European regional development funding in the whole of London over the next six years, and that is not enough to cope with the difficulties that we face.

There used to be a very comprehensive programme of other London development area funding, but it was replaced recently by what is called "spatial targeting". The implications are not clear yet, but we know already that there will be no "as of right" awards for the regeneration opportunities in my constituency. As a result, there will not be enough funding for my area.

When we consider London Development Agency support for the Olympics, we see that resources meant for other parts of London, including my area, have been sucked into providing the site assembly costs and other costs related to development for the Olympics. It is clearly an incredibly important project for the country, but it should not be at the expense of local funding. We should have been receiving something in the region of £30 million for the upper Lee valley in my area, yet so far we have received only £6 million, which is well short of what was expected.

It seems strange that when London has the highest rate of child poverty in the country and the lowest employment rate, we shall across London receive so little assistance from the working neighbourhoods fund. Indeed, Enfield, which was a neighbourhood renewal funding area, will now become a transitional authority and the resources that would have been available will be phased out over the next few years, yet six local authorities that will receive working neighbourhood funding have a lower claimant rate than the London borough of Enfield. Twelve local authorities that will receive working neighbourhood funding have a higher employment rate, so it seems somewhat perverse, given the intense difficulties in my area, that such funding will not be available to it.

We are told that the intention is that the money should address entrenched pockets of worklessness where we have not been successful in the past. However, when we consider the cost of making unemployed local residents job-ready, we discover that it can be extremely high. A recent London Development Agency study on tackling worklessness suggested that the cost of preparing people for employment and sustaining them in it could range from anything between £5,000 and £30,000 over a significant period. That seems very expensive to achieve the aims of the working neighbourhoods fund.

Work in the area is being done at local authority level, yet in respect of other economic development spending, such as the economic growth initiative and the multiple area agreements, it has been suggested that to achieve the greatest benefit we need to work at a level higher than that of the local authority. Local authorities need to come together, but there seems to be a contradiction between that and the operation of working neighbourhood funding. Surely we need to try to achieve the maximum impact both on worklessness and in trying to improve prosperity.

Finally, I deal with local area agreements, which were set up to complement neighbourhood renewal funding and to narrow the gap between the most deprived parts of a local area and the rest. Among the objectives agreed by central Government, local government and local strategic partnerships were to set targets that would stretch performance locally. It was agreed that we would try to join up public services and, most important in this context, to allow

"greater flexibility for local solutions to local circumstances".

However, in the London context problems are not always local. The enormous churn and movement across London boroughs can mean that many of the problems in my area and in Enfield are related to difficulties in surrounding boroughs, or even boroughs in other parts of London. Often, with regard to worklessness, which is the focus of much of the activity, the challenge cannot be dealt with only at local level: we need more than just local resources if we are to deal with the problems. I could go into detail about some of the intense worklessness in my area.

A recent report produced by Enfield strategic partnership, entitled "Building Futures—Changing Lives", indicated that according to the Government's research the London borough of Enfield had moved from 104th to 70th in the most deprived list over the past four years. In the past three years, there have been 6 per cent. more children in families living on benefits. In one of the wards in my constituency, 29 per cent. of people are workless. In one of the super-output areas—a much smaller, localised area—the figure is up to 36 per cent. How will we deal with that intensity of difficulty?

Deprivation and worklessness are increasing rapidly, and that may get even worse now that the economic cycle is in a downturn. Neighbourhood renewal funding locally is coming to an end. No European Union structural funds, working neighbourhood funds or local economic growth initiative funds are available. We do not have the apparatus to deal with the problems that face us.

I have tried to leave the Minister plenty of time to respond to this debate. Will he indicate some of the matters in respect of which I may knock on his door and those of other Departments to try to address the real difficulties that we are facing, and will face to an even greater extent in future?

6.46 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Parmjit Dhanda): I congratulate my hon. Friend the Member for Edmonton (Mr. Love) on securing this debate and on the passionate and tenacious way in which he put across his points about his constituency. He is one of my best honourable Friends in this House, and his passion for his constituency is unrivalled in this place. During his speech, he described some of the disparities in his borough of Enfield. I am familiar with such disparities, although of a different scale. The existence of severe pockets of deprivation in areas of some affluence is a familiar problem.

My hon. Friend said that job opportunities had been in decline in recent years; more positively, he talked about Enfield having the third highest grant in London. He spoke in depth about some of the challenges relating to incapacity benefit. Many of his constituents are lone parents, many are without work and many are low paid. My hon. Friend also mentioned the "sandwich effect" of growth in the economy of parts of central London and the challenge of the home counties that lie just north of his constituency. He also expressed concern that the economic advantage of the Olympic games may not result in the sort of long-term legacy that he hopes his constituency will gain.

My hon. Friend also provided a shocking statistic: there is 29 per cent. worklessness in one of his wards. I shall not pretend that in the coming minutes I can answer all the questions or resolve all the problems, but I will certainly have a go at setting out a framework for how the Government, in partnership with a passionate Member of Parliament, local government and other agencies, can, I hope, make a difference.

My hon. Friend has rightly campaigned vigorously on the issues that he has raised, particularly as the new indices of deprivation, published in December 2007, showed that the borough of Enfield had become more deprived since the publication of the previous index of deprivation in 2004. He has set out the pressures and inequalities that affect people living in areas of real deprivation, such as Edmonton. That matter has always been and remains a top priority for our Government.

As the index of deprivation clearly shows, the problem is not confined to London alone. Every region in the country, even the most affluent, includes pockets of deprivation and worklessness, which is a major—if not the major—contributor to deprivation. We have invested and will invest in various initiatives to tackle the multiple issues contributing to what we define as deprivation. For example, Enfield's allocation from the neighbourhood renewal fund, worth £3 billion nationally, amounted to more than £11 million. In addition to the Department for Work and Pensions mainstream funded activity in the borough, other funds have been put in to support initiatives aimed at reducing worklessness.

As my hon. Friend pointed out, the neighbourhood renewal fund scheme has ended, but research showed that it had a positive impact on economic regeneration. Influenced by that evidence, last November the Government launched the working neighbourhoods fund—the first ever fund for local councils dedicated to tackling worklessness and low levels of skills and enterprise locally. I will not pretend that we will see instant returns, and he will know better than anyone in his community that some challenges are generational, and many others have to do with aspiration as much as anything else. Enfield is eligible for two years of WNF transition funds in 2008-09 and 2009-10. That equates to £892,000, which is to be targeted at tackling worklessness and skills-related issues.

On economic and business development, there is local activity that will bring jobs to the area. For example, my hon. Friend will be aware that Asda is about to create 300 jobs at Edmonton Green in his constituency. I understand that the local strategic partnership is commissioning a borough-wide strategy for employment and skills, and that to support people into work and overcome barriers to employment, it works with Haringey and Waltham Forest on the North London skills pledge. The borough also works with the "Reed in partnership" programme to help incapacity benefit claimants to get into work. That is another long-term challenge for his borough, and particularly for his constituency, as he rightly points out.

My hon. Friend spoke about the European funds. As he was the first to mention, a large amount of European funds have been invested in deprived parts of Enfield. The total grant awarded to projects delivered in the borough is just under £3.5 million. Additionally, the borough has benefited from a proportion of the grant that is awarded to projects sub-regionally where Enfield forms part of the delivery area. The overall joint total for that is £38,221,000, although unfortunately I cannot state exactly how much of that money goes to Enfield borough or his constituency.

My hon. Friend also mentioned the European regional development fund. Funding from its 2007 to 2013 programme, now managed by the European programme management unit in the London Development Agency, cannot be used to provide infrastructure, although it can support related supply-chain activity. As he will know, ERDF projects need to have match funding from elsewhere. As LDA funds are substantially committed, including for activity connected with the Olympics, I understand that only four out of 67 applications for

[Mr. Parmjit Dhanda]

funding submitted to the EPMU in the first ERDF application round in spring 2008 originated from other parts of the LDA. That was due to a lack of match funding.

The borough's local area agreement, "Every Child Really Does Matter", was signed off in 2006-07, and it included a set of stretching reward targets. If those targets are achieved by the end of the three-year period, Enfield will receive £9.6 million in reward grant. Those additional funds can be used to tackle deprivation. Again, the challenge is to reach out to people from an early age, and again, it is a generational challenge.

Mr. Love: May I focus my hon. Friend's attention on the London-wide aspect of local area agreements? Many of the problems that we face in Enfield are related to the wider London context—worklessness, for example. Many of the people coming into Enfield from other places and from other parts of the world do not have the skills necessary to gain employment and therefore remain workless. We need support to address the intensity of the problems that we face.

Mr. Dhanda: I entirely agree. In his speech, my hon. Friend issued a challenge—he said that he wanted to be able to come and knock on my door or on other doors in the Department. I would be delighted to take up that offer, to see what specific assistance we can give him.

Let me say a little about local area agreements, which my hon. Friend mentioned. The challenge and drive of the new local area agreements could be the key. As he knows, money is not the only solution to the complex challenges that his constituency faces. As a Government, we are making a real difference by enabling a change in the way key local service providers and communities work together to deliver more efficient and, I hope, better local public services. The partnership approach has to be the way forward, and I believe Enfield takes that seriously.

I mentioned the new local area agreements—the new performance framework for local government, which was outlined in the White Paper "Strong and Prosperous Communities". That framework is about improving the quality of life and improving public services. It brings together national standards and priorities set by Government and local priorities developed by the local authority and its partners.

The Government have significantly increased local authorities' flexibility in the use of their mainstream resources by moving more than £4 billion of grants into the new non-ring-fenced area based grant. That is the key—the fact that Government are encouraging local government to cut out some of the bureaucracy that it has had to face in the past and meet the challenges that most affect local communities. That will minimise the barriers to local authorities using their mainstream resources to support local priorities where they wish to do so. For Enfield and Edmonton, those local priorities are the ones that my hon. Friend eloquently described. From 1 April 2008, those funds are allocated on a three-year basis to maximise stability and provide longer-term certainty.

Area based grant is a general grant allocated directly to local authorities as additional revenue funding. It is allocated according to specific policy criteria, rather than general formulae. Local authorities are free to use all of that non-ring-fenced funding as they see fit to support the delivery of local, regional and national priorities in their areas. Of the £4 billion national area based grant allocation, Enfield will receive about £15.8 million. As central Government no longer dictate to the local authority how much should be spent on each initiative, strategic decisions about how to spend the money will be made at local level and depend on local priorities. I urge local authorities to work with and listen to local Members of Parliament when deciding where best to place those resources.

I know that time is running short so I will conclude my remarks by saying that my hon. Friend has made an important contribution and I will continue to do all I can to help and support him. Our door is always open to him.

Question put and agreed to.

Adjourned accordingly at one minute to Seven o'clock.

House of Commons

Friday 13 June 2008

The House met at half-past Nine o'clock

PRAYERS

The Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

9.33 am

Mr. Andrew Dismore (Hendon) (Lab): I beg to move, That the House do sit in private.

Question put forthwith, pursuant to Standing Order No. 163 (Motions to sit in private):—

The House proceeded to a Division.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 0, Noes 34.

Division No. 222] [9.33 am

AYES

Tellers for the Ayes:
Mr. Andrew Dismore and Laura Moffatt

NOES

Bottomley, Peter
Bradshaw, Mr. Ben
Brown, rh Mr. Nicholas
Burns, Mr. Simon
Byrne, Mr. Liam
Chope, Mr. Christopher
Davies, Philip
Duddridge, James
Fallon, Mr. Michael
Field, Mr. Mark
Fitzpatrick, Jim
Foster, Mr. Michael (*Worcester*)
Francois, Mr. Mark
Goodman, Helen
Goodwill, Mr. Robert
Grieve, Mr. Dominic
Hanson, rh Mr. David
Hollobone, Mr. Philip
Hughes, Simon
Khan, Mr. Sadiq
Kirkbride, Miss Julie
Lammy, Mr. David
McCabe, Steve
McFadden, Mr. Pat
McGuire, Mrs. Anne
Robathan, Mr. Andrew
Rowen, Paul
Selous, Andrew
Skinner, Mr. Dennis
Spelman, Mrs. Caroline
Sutcliffe, Mr. Gerry
Vaz, rh Keith
Watts, Mr. Dave
Whittingdale, Mr. John

Tellers for the Noes:
Keith Hill and Ms Dawn Butler

Question accordingly negatived.

It appearing on the report of the Division that fewer than forty Members had taken part in the Division, MR. DEPUTY SPEAKER *declared that the Question was not decided.*

Orders of the Day

Health and Safety (Offences) Bill

Not amended in the Public Bill Committee, considered.

Clause 1

HEALTH AND SAFETY OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

9.51 am

Keith Hill (Streatham) (Lab): I beg to move amendment No. 1, page 1, line 10, at end insert—

'(3) In Article 31 of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)) (offences), for paragraphs (1A) to (5) there is substituted—

"(2) Schedule 3A (which specifies the mode of trial and maximum penalty applicable to offences under this Article and the existing statutory provisions) has effect.

(3) Schedule 3A is subject to any provision made by virtue of Article 17(6)(c) or (d)."

(4) After Schedule 3 to that Order there is inserted the Schedule 3A set out in Schedule [New Schedule 3A to the Health and Safety at Work (Northern Ireland) Order 1978] to this Act.'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following:

Amendment No. 2, clause 2, page 1, line 15, leave out '1' and insert '1(1) and (2)'.

Amendment No. 3, page 1, line 18, at end insert—

'(3A) The Department concerned (within the meaning given in Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))) may make any amendments to existing regulations that it considers necessary or expedient in consequence of the amendments made by section 1(3) and (4).

(3B) The power conferred by subsection (3A) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

Such a rule is subject to negative resolution within the meaning of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).'.

Amendment No. 4, page 1, line 19, leave out 'subsection (2)' and insert 'this section'.

Amendment No. 5, clause 3, page 2, line 6, leave out 'and Scotland only' and insert

', Scotland and Northern Ireland (except that an amendment or repeal made by this Act has the same extent as the provision to which it relates).'.

New schedule 1—*New schedule 3A to the Health and Safety at Work (Northern Ireland) Order 1978*—

'NEW SCHEDULE 3A TO THE HEALTH AND SAFETY AT WORK (NORTHERN IRELAND) ORDER 1978

"SCHEDULE 3A

OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

Offence	*Mode of trial*	*Penalty on summary conviction*	*Penalty on conviction on indictment*
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Articles 4 to 7	Summarily or on indictment	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Article 8.	Summarily or on indictment	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 9.	Summarily or on indictment	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 10.	Summarily or on indictment	A fine not exceeding £20,000.	A fine.
An offence under Article 31(1)(c).	Summarily or on indictment	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(h).	Summarily only.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both.	
An offence under Article 31(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.
An offence under Article 31(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.'".

Amendment No. 6, schedule 2, page 4, line 48, leave out 'of regulation' and insert 'of—

(a) regulation'.

Amendment No. 7, page 5, line 1, at end insert 'or—

(b) regulation 26(18) of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425),'.

Amendment No. 8, page 5, line 3, after '1974' insert 'or Article 31(4) of the Health and Safety at Work (Northern Ireland) Order 1978'.

Amendment No. 9, page 5, line 4, after 'Act' insert 'or Schedule 3A to that Order'.

Amendment No. 10, page 5, leave out lines 8 to 15 and insert—

'(a) in the sentence beginning "A person who manufactures" as it extends to England and Wales and Scotland, for "and liable to the penalties specified in section 33(3) of the Health and Safety at Work etc. Act 1974" there is substituted "and liable as mentioned in the final item of Schedule 3A to the Health and Safety at Work etc. Act 1974 (mode of trial and penalty for offence under "existing statutory provisions" for which no other penalty is specified)";

(b) in that sentence as it extends to Northern Ireland, for "and liable to the penalties specified in Article 31(4) of the Health and Safety at Work (Northern Ireland) Order 1978" there is substituted "and liable as mentioned in the final item of Schedule 3A to the Health and Safety at Work (Northern Ireland) Order 1978 (mode of trial and penalty for offence under "existing statutory provisions" for which no other penalty is specified)";

(c) in the sentence beginning "If any explosive is imported or sold", for "and liable to the penalties specified in section 33(3) of" there is substituted "and liable as mentioned in the final item of Schedule 3A to".'.

Amendment No. 11, page 5, line 25, at end insert—

'Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))

(1) In Article 17 (health and safety regulations), paragraph (6)(e) is omitted.

(2) In Article 39 (remedy and forfeiture), after paragraph (3) there is inserted—

"(3A) Paragraph (4) applies where a person is convicted of an offence consisting of acquiring or attempting to acquire, possessing or using an explosive article or substance (within the meaning of any of the relevant statutory provisions) in contravention of any of the relevant statutory provisions."

(3) In paragraph (4) of that Article, for the words from "a person" to "there mentioned" there is substituted "the person is convicted of the offence".'.

Amendment No. 12, page 5, line 28, at end insert—

'Activity Centres (Young Persons' Safety) (Northern Ireland) Order 1998 (S.I. 1998/1069 (N.I. 5))

In Article 4 (offences), in paragraph (4)(f), for ", (2), (2A), (4) and (5)" there is substituted "and (2) (and the related provisions of Schedule 3A)".'.

Amendment No. 13, schedule 3, page 5, leave out lines 32 to 35.

Amendment No. 14, page 5, line 37, at end insert—

'Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))	Article 17(6)(e).'.

Amendment No. 15, page 5, line 38, at end insert—

'Offshore and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))	Article 6.'.

Keith Hill: I am grateful for hon. Members' support for the group of amendments, which would extend the Bill to Northern Ireland. Since the criminal justice aspect of health and safety legislation is a reserved matter, the Bill already applies to England, Scotland and Wales.

The cross-party nature of the support is consistent with the House's historic bipartisan approach to health and safety legislation. The Health and Safety at Work, etc. Act 1974 was largely drafted under the Heath Administration and introduced and enacted under the first Wilson Government of 1974. I am especially grateful for the support of the two main Northern Ireland parties represented in this place: the Social Democratic and Labour party, of which my hon. Friend the Member for Belfast, South (Dr. McDonnell) served on the Standing Committee and intervened in the proceedings to call for the Bill's extension to Northern Ireland; and the Democratic Unionist party, of which the hon. Member for Belfast, North (Mr. Dodds), in his capacity as Northern Ireland Minister for Enterprise, Trade and Investment, welcomed me to Stormont when I visited Belfast on 2 June, and offered his enthusiastic support for the measure's extension to Northern Ireland. I am most grateful to him for the warmth of his welcome and his generosity in finding time to meet me when there were other serious demands on his attention.

I also express my thanks to the chairman and chief executive of the Health and Safety Executive for Northern Ireland, Professor Peter McKie and Jim Keyes, who were my excellent hosts on my Belfast visit. It goes without saying that they are delighted that the opportunity has arisen to add the amendments to the Bill.

I was impressed by what I learned about the Health and Safety Executive for Northern Ireland—the HSENI. Its mission is, of course, underpinned by the three principles of supporting the weakest, recognising the best and challenging the worst. Given the importance of agriculture in the Northern Ireland economy, the HSNI faces some distinctive challenges from its counterpart in Great Britain.

Although no fatality in the workplace can ever be acceptable, both Great Britain and Northern Ireland can take justifiable pride in being at the top of the international league table and having the lowest rate of workplace fatalities not only in the European Union but in the world.

Mr. Andrew Dismore (Hendon) (Lab): One of the reasons for the Bill is to try to maintain and improve that record. What discussions has my right hon. Friend held with Northern Ireland employers and trade unions about the proposals?

Keith Hill: I am grateful to my hon. Friend for that intervention—I was about to deal with exactly that point in my brief remarks.

I was grateful to the HSENI for arranging my meeting with David Mills of the Institute of Directors and Nigel Smyth of the CBI. The Institute of Directors has worked closely with the HSENI. In October, the two organisations published a joint guidance document, entitled, "Leading Health and Safety at Work: Leadership Actions for Directors and Board Members". Indeed, Mr. Mills has been a member of the Health and Safety Commission since 2002 and I was pleased to receive assurance of his support for extending the Bill to Northern Ireland.

I was also grateful to Mr. Smyth for finding time for our lengthy discussion. The Northern Ireland CBI, like its Great Britain counterpart, supports the principle of the Bill, but continues to have several concerns about provisions to widen the imprisonment powers of the lower courts. I hope to respond to those broader issues in my speech on Third Reading.

Meanwhile, I hope that it will be for the House's benefit if I set out the process whereby the amendments appear before us.

Mr. Dismore: Earlier, my right hon. Friend mentioned accident statistics, which he aggregated between Northern Ireland and Great Britain. Does he have separate figures for Northern Ireland? Is Northern Ireland's record better or worse than that of the rest of the country?

Keith Hill: Again, I am grateful to my hon. Friend for that intervention because it enables me to put on record the precise statistics for Great Britain and for Northern Ireland and to compare them with those for the European Union. In 2002-03, the most recent year for which statistics are available, the rate of fatalities per 100,000 workers in Great Britain was 0.8 per cent. In Northern Ireland, the figure was 0.9 per cent., and the statistic for the European Union as a whole was 2.1 per cent. That shows that our record for health and safety not only for staff in workplaces but members of the public who visit workplaces is excellent compared with that of our neighbouring countries. I commend the work of the Health and Safety Commission and all the partners involved in the process. We must remember that it is a three-way process, which involves not only the health and safety enforcement authorities, but business and the trade unions.

Laura Moffatt (Crawley) (Lab): Does my right hon. Friend agree that many silent partners support the Bill, including environmental health officers, who have witnessed severe breaches of health and safety laws and desperately hope that the Bill reaches its final stages today?

Keith Hill: I am grateful to my hon. Friend for the sentiment that she expresses. My sense is that it is the will of the House that the measure reaches the statute book. She is right that a large health and safety community is following its progress in detail. I hope to be able to pay tribute to organisations that have expressed active support for the Bill.

Mr. Dismore: My right hon. Friend provided some interesting statistics on fatalities for Northern Ireland, the rest of the United Kingdom and Europe. Does he have similar figures for serious accidents?

Keith Hill: I am afraid that I do not. We know that, for 2005-06—the last year for which separate statistics are available for Great Britain—there were 241 fatalities, some 30,000 serious accidents and approximately 100,000 less serious accidents in the workplace. That is a reminder of the need for constant vigilance and an important reinforcement of the purposes of the Bill—to ensure the appropriate punishment of those who are negligent and to deter those who would seek to cut costs by infringing health and safety arrangements.

10 am

Ms Dawn Butler (Brent, South) (Lab): Will my right hon. Friend give way?

Keith Hill: I will, but then I want to make some progress before becoming available to take further interventions.

Ms Butler: Will my right hon. Friend clarify whether, for example, breaches of fundamental requirements to conduct risk assessments for breaches of asbestos regulations would be included?

Mr. Deputy Speaker: Order. Perhaps the House might usefully have a little guidance. We have essentially two debates today, one of which is on the group of amendments that we are now discussing, which relate to the Bill's applicability to Northern Ireland. This debate must concentrate on that. There will, I hope, be an opportunity, if the House makes progress, to have a more general debate on Third Reading.

Keith Hill: I am grateful for your guidance and for the opportunity that you signal for a wider discussion, Mr. Deputy Speaker. Briefly, the answer to my hon. Friend's question is yes, and that will apply in Northern Ireland as well as Great Britain. However, I hope to say a little more about those matters in due course.

Mr. Dismore: My right hon. Friend is being very generous in giving way. He gave us the most up-to-date figures for Northern Ireland, which were from 2002-03, yet he gave much more up-to-date figures for the rest of the United Kingdom—although even they seem to be rather out of date, if I may say so. Does he think it a matter of concern that we do not have real-time numbers, in this day and age of computers, to allow us to know much more accurately the position in Northern Ireland, as opposed to the rest of the United Kingdom?

Keith Hill: I am grateful to my hon. Friend, as he allows me to clarify an observation that I have made. I will make progress after this, but he should bear it in mind that the statistics that I gave for 2005-06 were the numbers of fatalities and accidents in the workplace. The figures that I gave for the earlier period were, of course, comparative percentages. I am confident that we in Great Britain and Northern Ireland maintain our statistics on such matters as efficiently and in as up to date a way as possible, but one must also wait for the publication of other countries' statistics when engaged in the business of comparative analysis.

Let me turn to the amendments before us. The health and safety authorities in Northern Ireland have a long-standing policy of maintaining legislative parity between Great Britain and Northern Ireland in health and safety at work legislation. In fact, the health and safety regime in Northern Ireland is governed by the provisions of the Health and Safety at Work (Northern Ireland) Order 1978, which essentially replicates the Health and Safety at Work, etc. Act 1974 covering England, Scotland and Wales. Thus, although the 1978 order originally allowed for different administrative arrangements, it otherwise transposed in their entirety the general duties and the enforcement and offences aspects of the 1974 Act to Northern Ireland.

In 1998, the 1978 order was significantly amended, to create a Health and Safety Commission and Executive for Northern Ireland: Nevertheless, the order remains the controlling legislation, and so needs to be amended to extend the provisions of the Bill to Northern Ireland.

Over the years, the health and safety authorities in Northern Ireland—now the Health and Safety Executive for Northern Ireland—have worked closely with the mainland Health and Safety Executive to ensure that legislative parity is maintained. In practice, that means that regulations made in Great Britain are used as the template for Northern Ireland regulations, with the substance and intent remaining the same, but with the appropriate Northern Ireland legislative references.

As hon. Members will recognise from that brief history, health and safety in Northern Ireland has always been a transferred—now a devolved—matter. However, as hon. Members will also appreciate, the substance of the Bill deals with the criminal justice system, and specifically the creation of offences and penalties, which are reserved matters and the responsibility of the Northern Ireland Office. I am assured that there is no requirement for a legislative consent motion in the Northern Ireland Assembly, given that the Bill deals predominantly with criminal penalties and prosecutions, and that primary legislation here in Westminster is the most appropriate way forward.

As a consequence, the Health and Safety Executive for Northern Ireland, the Northern Ireland Assembly and the Secretary of State for Northern Ireland have agreed to seek support to have the Bill extended to Northern Ireland. They have done so for three reasons: first, to ensure parity across the United Kingdom for penalties and offences; secondly, to avoid a potentially significant time lag in bringing about consistency between the Northern Ireland and Great Britain penalty regimes; and thirdly, to save resources in what is a straightforward parity policy area.

Having described the process by which the amendments have reached us, let me turn to their purpose, before briefly explaining their content. As I have said, the relevant Northern Ireland penalties are those set out in the 1978 order and the health and safety regulations made under that order. The effect of the amendments that we are considering is to amend the order in exactly the same way as the Bill amends the 1974 Act.

The key amendments in the group would alter the current framework of maximum penalties set out in the 1978 order, to ensure that the courts can more easily set sentences for health and safety offences at a level that is likely to deter those tempted to break the law and which will deal appropriately with those who have done so. The amendments seek to raise the maximum fine that may be imposed in the lower courts to £20,000 for most health and safety offences.

Mr. Dismore: The explanatory notes to my right hon. Friend's Bill contain a helpful annexe, which sets out a comparator between the present mode of trial and maximum penalties and those proposed by the Bill. However, I understand that the explanatory notes were produced before the amendments that we are discussing. Will he confirm that the present mode of trial and maximum penalties in Northern Ireland would be the same as those that apply to the rest of the United Kingdom, as set out in the annexe, so that we can see what we are dealing with?

Keith Hill: I am again grateful to my hon. Friend, who raises an extremely important point. My response is to say, first, that we hope to be able to provide a further set of explanatory notes to deal with the extension of the Bill's application to Northern Ireland before it proceeds elsewhere. Secondly, there are one or two fairly minor differences between the schedule applying to Great Britain set out in the Bill and the schedule that will form part of the amended Northern Ireland order. I hope to identify those differences in due course, if my hon. Friend will exert the patience for which he is famous in these precincts.

The power to impose a fine of up to £20,000 is available already, in respect of some of the offences under the 1978 order, such as breaches of the general duties on employers arising under articles 4 to 7. However, the current maximum penalty for specific breaches of health and safety regulations, which may be just as serious as breaches of general duties—exactly the sorts of issues to which my hon. Friend the Member for Brent, South (Ms Butler) alluded—is a £5,000 fine, hence the extension to the new maximum of £20,000.

Secondly, these amendments serve to make imprisonment an option for most health and safety offences in both the lower and the higher courts. At present, imprisonment is an option only in certain cases—for failure to comply with an improvement or prohibition notice or court remedy order or, in the High Court only, for failure to comply with licensing requirements, explosive provisions or disclosure of information in breach of the 1978 order. These amendments will extend the option of a custodial sentence to a greater range of offences, thus responding to the fact that in several cases over the years judges have remarked on the lack of imprisonment as an option and have said that they would have jailed the offender had they been able to do so.

Mr. Dismore: I have been looking at the explanatory notes. I assume from what my right hon. Friend said that they provide a reasonable guide to what we are dealing with in Northern Ireland. I am particularly concerned about an offence under section 33(1)(a) in respect of the duties of employees under section 7 of the Health and Safety at Work, etc. Act 1974. I do not know the exact equivalent in Northern Ireland, but no doubt my right hon. Friend will be able to tell me where it fits into the 1978 order. A breach of a duty under section 7 carries quite significant penalties under his proposals for Northern Ireland, but is it fair to impose on conviction such high penalties on employees who have only been doing their job, albeit negligently or recklessly, as on neglectful employers who have the responsibility to make profits?

Keith Hill: I am grateful once again to my hon. Friend for that intervention. He raises an important philosophical and moral question, to which I have to say that my instinctive answer is yes, it is. Employees who behave in a way that leads to the loss of life or limb or that puts the lives and limbs of fellow workers in danger deserve an equal level of punishment. It is their neglect and negligence that is at fault. Quite frankly, for a victim of such negligence it hardly matters whether an employer or an employee is responsible for the injury, and the same applies to a member of the family of someone who has died. What those affected want in those circumstances is proper justice. I thus have no hesitation in saying that the provisions in the schedule are entirely right.

Mr. Dismore *rose—*

Keith Hill: I see that my hon. Friend wishes to respond on that point.

Mr. Dismore: I have listened to what my right hon. Friend said about acts and omissions by employees who should be prosecuted because they cause a hazard to others, but what about hazards to themselves? For example, should someone be prosecuted for not wearing goggles when operating a grinding machine? That would be a health and safety offence under the Act and the regulations. In those circumstances, the only person actually at risk is the employee. It is quite right that they should be prosecuted if it is a repeat offence, for example, but is it right that they should face imprisonment for something like that?

Keith Hill: I make two points in response to my hon. Friend. The first, which I want to develop at greater length, probably on Third Reading, is about the likelihood and frequency of imprisonment. I hope that my hon. Friend will bear with me and wait for those exchanges, which will provide a further opportunity for an interesting dialogue. Secondly, I very much doubt that there are ever circumstances in the workplace in which a single solitary employee is at risk. If the health and safety provisions are not being properly exercised, it is my strong suspicion that that presents a risk for every person who is operating in that workplace. To that extent, it is right that those who are negligent in respect of themselves should be punished because they are potentially negligent of other people in the workplace as well.

Let me continue to describe the effect of these amendments to the Health and Safety at Work (Northern Ireland) Order 1978. The third change is that certain offences currently triable solely in the lower courts will in future be either way offences—in other words, like most health and safety offences, they will be triable in either the lower or higher courts. Those would include the offence under article 31(1)(e) of contravening any requirement imposed by an inspector under article 22 on powers of inspectors, and the offence under article 31(1)(f) of preventing or attempting to prevent another from appearing before an inspector or from answering an inspector's questions.

Mr. Dismore *rose—*

Keith Hill: Just to complete that thought, I should add that under these amendments those offences could in future attract the tougher penalties available in the higher courts.

Mr. Dismore: I am grateful yet again for my right hon. Friend's generosity in giving way. I am afraid I do not know enough about the Northern Ireland criminal process in comparison with that of England and Wales, but under the either way procedure in Northern Ireland, is it possible for the defendant to opt for jury trial as opposed to a magistrates court if he wishes to do so? Is it a matter only for the prosecution or is it an option for both sides to decide whether to go for jury trial in Northern Ireland at their wish?

10.15 am

Keith Hill: I am grateful to my hon. Friend for that intervention. I hesitate in my response for two reasons. First, he is, of course, a lawyer and a good deal more familiar with the judicial process than I am. Secondly, I can answer only on the basis of an impression that I have formed rather than on certain knowledge. My impression is, however, that as in Great Britain it is possible for the accused to opt for a trial in a higher court. If I prove to be wrong about that, I would be delighted to write to my hon. Friend to set the record straight.

I shall expand on this point in my subsequent observations, but it is important to note that the Health and Safety Executive for Northern Ireland has a superb record of successful convictions. Indeed, it runs at 100 per cent. Interestingly, it adopts a somewhat different procedure from the Health and Safety Executive and the inspectorate in Great Britain in that it gives all its cases to the Crown Prosecution Service rather than bring the prosecutions directly as an enforcing authority. It finds that to be an efficient and effective way of dealing with the matter.

Mr. Dismore *rose—*

Keith Hill: I am about to come on to the detail of the amendments, but I shall give way to my hon. Friend just one more time at this juncture.

Mr. Dismore: I am very grateful to my right hon. Friend. He tells us that the prosecution success rate in Northern Ireland is 100 per cent., but 100 per cent. of what? How many prosecutions have been brought in Northern Ireland on average year by year? One of the real criticisms made of the Health and Safety Executive on the mainland, if I may put it that way, is that it is far too timid in bringing prosecutions and should be prosecuting more vigorously, more effectively and more often. In comparison with the rest of the UK, are more offences prosecuted in Northern Ireland? An answer to that would help to explain what is meant by a 100 per cent. success rate; of course, if only one case were successfully prosecuted, that would still be 100 per cent.

Keith Hill: I am grateful yet again to my hon. Friend, but on this occasion I have to throw myself on his mercy—and that of the House—because I do not know the particular number of prosecutions brought in Northern Ireland. I shall expand on the point later, but I do not condemn enforcing authorities if they have extremely high thresholds in respect of the rigour of the criteria that they apply before bringing prosecutions. The rigour of those criteria will become even more important in future when, under the Bill, the option of imprisonment will become far more widely available.

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire) *rose—*

Keith Hill: I rather suspect that my hon. Friend the Minister may have the answer, so I happily defer to her.

Mrs. McGuire: My intervention is not about the number of prosecutions, although we may well be able to come on to that subject later. In the interests of clarity, I point out to my right hon. Friend that in the Scottish legal system it is the Procurator Fiscal Service, not the Health and Safety Executive, that pursues cases involving breaches of health and safety legislation. I would not like my right hon. Friend to fall foul of any Scottish lawyer on that point.

Keith Hill: I am most grateful to my hon. Friend. The last people in the world I want to fall foul of are Scottish lawyers of whom we have wide experience in the House, not least in our party. I am most grateful to her for correcting the record. I was aware that I was skating on rather thin ice at that point, and that was a most helpful intervention.

Mr. Dismore *rose—*

Keith Hill: I am anxious to get on to describing the contents of the amendments in greater detail. If my hon. Friend will simply have patience for one moment—

Mr. Dismore: It's a good one.

Keith Hill: Then I will make an exception.

Mr. Dismore: I am grateful to my right hon. Friend; he has been incredibly generous in giving way to me. My point has to do with the decision-making processes in the Health and Safety Executive. One of the criticisms made is that there is under-charging. There is a new offence of corporate manslaughter, which I believe has been extended to Northern Ireland, and he knows that I campaigned long and hard for that offence. Given the new unlimited fines and power of imprisonment, does he think there is a risk that the HSE, through the Crown Prosecution Service, may chicken out of a corporate manslaughter case and instead prosecute for a regulatory offence, and that the lesser penalties may have acted as more of a lever on the HSE to prosecute for corporate manslaughter in appropriate cases?

Keith Hill: I very much hope that the Bill will not, as my hon. Friend says, become an excuse for chickening out of any prosecution that ought to be mounted, either under current health and safety legislation or under the corporate manslaughter legislation. I ought perhaps to draw his attention to a comment that I made on Second Reading:

"it is not my intention that the new powers of imprisonment—if we obtain them—should become grounds for resisting the case for mandatory safety duties on directors."—[*Official Report*, 1 February 2008; Vol. 471, c. 616.]

That case is an entirely separate argument.

Let me now deal with the amendments in detail. The proposed new offences regime, relating to both the mode of trial and the maximum penalty, is set out in new schedule 1. New schedule 1 would extend schedule 1 to the Health and Safety at Work (Northern Ireland) Order 1978 as schedule 3A. As far as possible, the text of the Northern Ireland schedule duplicates that of the Great Britain schedule, with two exceptions. My hon. Friend the Member for Hendon (Mr. Dismore) raised the issue with me, and I can now offer him the clarification that he sought.

First, in the column of proposed schedule 3A headed "Offence", where the Great Britain version of the schedule refers to the relevant sections of the Health and Safety at Work, etc. Act 1974, the Northern Ireland schedule refers to the equivalent articles of the Health and Safety

at Work (Northern Ireland) Order 1978. The second and more substantive exception is in the column headed "Penalty on summary conviction". In respect of each offence for which the Great Britain schedule specifies

"Imprisonment for a term not exceeding 12 months"

or "51 weeks", the Northern Ireland schedule specifies

"Imprisonment for a term not exceeding 6 months".

So why is it not possible to provide for a maximum term of imprisonment exceeding six months in Northern Ireland, despite the intention to ensure overall parity between health and safety legislation in Northern Ireland and Great Britain, especially in relation to offence penalties? The explanation lies in the Criminal Justice Act 2003 and corresponding legislation for Scotland, which changed the basis for calculating sentences in Great Britain, but which did not extend to Northern Ireland. An example of a similar divergence in maximum penalties is to be found in section 25 of the Serious Crime Act 2007, which provides for imprisonment for a term not exceeding 12 months. In its application to Northern Ireland, the reference to 12 months is to be read as a reference to six months. Perhaps I should add that the same financial penalties to be imposed on summary conviction can be applied in Great Britain and Northern Ireland, as is the case for the penalties—both imprisonment and financial—applicable on conviction on indictment.

Mr. Dismore: My right hon. Friend explains very effectively why Great Britain provides for a sentence of 12 months and Northern Ireland provides for a six-month sentence, but ultimately the question is how long the convicted person will serve in prison. Given all the changes made to the primary legislation, is the amount of time served the same?

Keith Hill: My hon. Friend's question involves speculating about the future. It is a matter for the courts, and as a legislator I do not want to get involved in giving the courts detailed advice on the lengths of custodial sentences to be set. That is a matter for the courts and is to be determined by future experience. If things prove unsatisfactory, I dare say that we will at some stage have the opportunity to turn to these issues.

As for the other amendments—

Mr. Dismore: Will my right hon. Friend give way?

Keith Hill: No, I want to make progress, if my hon. Friend will allow me.

Amendment No. 1 amends the 1978 order by including the new schedule of offences, which is called schedule 3A in both the order and the Health and Safety at Work, etc. Act 1974. Amendments Nos. 2 and 4 are consequential amendments. Amendment No. 3 deals with the making and amending of regulations under the amended order. Amendment No. 5 stipulates that where the Bill amends an Act or order that does not extend to the whole United Kingdom, that amendment has the same, more limited extent; in other words, it qualifies, where necessary, the basic proposition that the Bill extends to the whole United Kingdom. Amendment No. 6 is a consequential amendment.

Amendments Nos. 7 to 10 make changes for Northern Ireland that correspond to the amendments in the Bill to sections 40(9)(d) and 43 of the Explosives Act 1875. Amendment No. 11 brings into effect amendments to article 17 of the 1978 order on health and safety regulations and article 39 of the same order on remedy and forfeiture. The amendment to article 17 will omit a specified penalty in respect of an offence under the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992—to be precise, that contained in article 17(6)(e)—because in future any such penalty will be provided for in new schedule 3A. The amendment to article 39 will insert a new paragraph that will clarify the application of article 39(4), which would otherwise be incomplete following the proposed repeal of article 31(5). Both those changes, made by amendment No. 11, duplicate the amendments to the equivalent provisions for Great Britain, which are in sections 15 and 42 of the 1974 Act.

Amendment No. 12 makes an equivalent change to the Activity Centres (Young Persons' Safety) (Northern Ireland) Order 1998 to that made to the Activity Centres (Young Persons' Safety) Act 1995 under schedule 2 of the Bill. Amendments Nos. 13 and 14 are consequential. Finally, amendment No. 15 repeals article 6 of the Offshore, and Pipelines, Safety (Northern Ireland) Order 1992, which corresponds to section 4 of the Offshore Safety Act 1992, which is repealed as a consequence of the provisions that are to be introduced by the Bill.

10.30 am

Andrew Selous (South-West Bedfordshire) (Con): I am grateful to the right hon. Member for Streatham (Keith Hill) for setting out so fully the basis of, and reasons for, his amendments, and for accepting a large number of interventions in order to clarify various details. I am the second signatory to these amendments, and I am pleased that they have come before us.

As a member of the Conservative and Unionist party, I take the view that, generally, if legislation is worth implementing in Great Britain, it should also apply to Northern Ireland. It was interesting that the right hon. Gentleman drew our attention to the fact that there was a four-year gap between the passage of the Health and Safety at Work, etc. Act 1974 and the introduction of the subsequent 1978 order. It seems that Northern Ireland quite often gets left out and then has to catch up with what we in this House do. Only on Wednesday, the House debated the draft Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008, which applied only to Great Britain and left out Northern Ireland. I asked what would happen to Northern Ireland, and I was told that it would catch up later. Therefore, I congratulate the right hon. Gentleman for ensuring that in this instance Northern Ireland has not been left out.

Mr. Dismore: Does the hon. Gentleman not share my surprise that on a matter of such importance for Northern Ireland not a single Northern Ireland Member from the Democratic Unionist party or the Ulster Unionist party is present and wishing to speak?

Andrew Selous: All Members of this House always have to account to their electorate for their presence in, or absence from, the Chamber. No doubt those Members are dealing with important matters today, perhaps in the Province itself. However, a goodly number of Members of all parties care very deeply about Northern Ireland; it is an important part of our United Kingdom, and the measures we are debating today are important.

[Andrew Selous]

As I have said, I am grateful to the right hon. Gentleman for having dealt with the amendments in considerable detail. We welcome them, and we take the view that the Bill is worth putting into law. It should apply to the whole of this United Kingdom of ours, and we give our support to the amendments.

Paul Rowen (Rochdale) (LD): I, too, thank the right hon. Member for Streatham (Keith Hill) for his clear exposition of these amendments, and I support the move to ensure that Northern Ireland is included. I noted from his remarks that he visited Northern Ireland prior to introducing them, and that they have the full support of all the political parties in Northern Ireland. Although no Members of those parties are present today, that move to ensure that there is cross-country agreement on the application of these offences was important. Health and safety does not know boundaries. What happens in one part of the UK can affect another part, so it is very important to ensure that what happens in Northern Ireland is in line with what happens in the rest of the UK. I have no hesitation in supporting the amendments.

Mrs. McGuire: I echo the thanks of my right hon. Friend the Member for Streatham (Keith Hill) for the cross-party support he has had on this element of the Bill, and I am particularly pleased that the hon. Members for South-West Bedfordshire (Andrew Selous), for St. Ives (Andrew George), for Belfast, North (Mr. Dodds) and for Belfast, South (Dr. McDonnell) have been supportive of him in the tabling of these amendments on Northern Ireland. The Bill has, in some respects, undergone quite a journey, and my right hon. Friend has facilitated that to create cross-party consensus on what are very important measures.

To pick up on the comments of the hon. Member for South-West Bedfordshire, the Health and Safety Executive for Northern Ireland has a long-standing policy of maintaining legislative parity between Great Britain and Northern Ireland in respect of health and safety at work legislation. The main piece of legislation covering health and safety at work in Northern Ireland is the Health and Safety at Work (Northern Ireland) Order 1978, and this order essentially replicates the Health and Safety at Work, etc. Act 1974, which covers England, Scotland and Wales. As the hon. Gentleman pointed out, there was a time lag between the introduction of these two elements of health and safety legislation.

The HSENI is an executive non-departmental public body currently sponsored by the Department of Enterprise, Trade and Investment, which is part of the Northern Ireland Executive. It is the lead body responsible for the promotion and enforcement of health and safety at work standards in Northern Ireland. It works very closely with the Health and Safety Executive, which covers the other parts of the UK, to ensure that legislative parity with Great Britain is maintained. In practice, this means that regulations made in Great Britain are used as the template for Northern Ireland regulations; that is often the case in social security regulations, in which I know the hon. Gentleman takes a keen interest. The aim is to keep the same substance and intent between different parts of the UK but, as my right hon. Friend pointed out, with the appropriate Northern Ireland legislative references—he and my hon. Friend the Member for Hendon (Mr. Dismore) had an interesting exchange on the legal processes.

Health and safety has always been a transferred—or, now, a devolved—matter. However, the substance of the Health and Safety (Offences) Bill relates to criminal justice, and specifically the creation of offences and penalties, which are reserved matters and therefore the responsibility of the Northern Ireland Office.

Given that the Bill deals predominantly with criminal penalties and prosecutions, there was—as my right hon. Friend picked up, as his antenna are very sensitive on these matters—a strong desire within the Northern Ireland Executive to ensure parity with Great Britain, and the then Northern Ireland Minister of Enterprise, Trade and Investment, the hon. Member for Belfast, North, wrote to my right hon. Friend the Secretary of State for Northern Ireland seeking agreement to extend the Bill to Northern Ireland. The Secretary of State subsequently wrote to my noble Friend Lord McKenzie of Luton, Under-Secretary of State at the Department for Work and Pensions, on 10 March 2008 seeking his support for extending the provisions of the Bill to Northern Ireland. Our support for that was, of course, very much predicated on whether or not my right hon. Friend the Member for Streatham gave his support, as it is his Bill. The Government were happy to support this request as it made a lot of practical sense. It will avoid the potentially significant time lag that there has sometimes been in aligning the Northern Ireland and Great Britain penalty regimes, and save resources in bringing this about in what is a straightforward parity policy area.

On 29 April 2008, Lord McKenzie gave his formal agreement to the Government supporting the extension of the Bill to Northern Ireland. My right hon. Friend, as he has indicated, had extensive discussions with colleagues in Northern Ireland on that. He did not just take these amendments at face value; he investigated how they would impact in Northern Ireland—and I think that through his personal visit and discussions he gauged the significant support that there was for this extension to Northern Ireland.

Members might be curious about why Northern Ireland was not included in the scope of the original draft Bill, and I am happy to explain that. When the policy detail was agreed, in November 2006, for a potential Government handout Bill on health and safety offences, the then Secretary of State for Work and Pensions asked whether, although health and safety is a devolved matter in Northern Ireland, the then Secretary of State for Northern Ireland wished equivalent provision to be made for Northern Ireland. Therefore, there was already that sensitivity to keeping the legislation aligned across the whole of the UK. Like the hon. Member for South-West Bedfordshire, I, too, am a Unionist, but I do recognise the subtleties of difference within the Union, so it was important to seek the approval and support of the Northern Ireland Secretary on that issue.

The then Secretary of State said that he would wish the Bill to be extended to Northern Ireland, and that the Northern Ireland HSE would indeed provide the necessary input to achieve this. In the event, as my right hon. Friend the Member for Streatham is aware, the Bill was not picked up following the ballot, so its detailed drafting could not then take place. However, when it

was picked by my hon. Friend the Member for Caerphilly (Mr. David) in early 2007 to introduce an ordinary presentation Bill, the drafting had to be undertaken at short notice. Unfortunately, because of that short notice the Northern Ireland HSE was unable to move quickly enough to provide the necessary draft clauses and accompanying explanation to allow parliamentary counsel to include the necessary changes to the Northern Ireland legislation. Accordingly, the text of a GB-only Bill was agreed in April 2007 without application to Northern Ireland.

In October 2007, DWP Ministers decided to put the Bill forward again as a handout Bill, in almost the same draft as that introduced by my hon. Friend the Member for Caerphilly. The ballot took place on 15 November and I am absolutely delighted not only that my right hon. Friend the Member for Streatham was successful in the ballot, but that he also picked up the Bill, because he has piloted it and driven it through its stages in an exemplary fashion. Of course, we well remember the day, 5 December, when he introduced it to this House.

The relevant Northern Ireland penalties are those set out in the 1978 order and in the health and safety regulations made under the order. I want to advise the House, in case it is not obvious from what I have already said, that the Government support the amendments proposed today as they will alter the current framework of maximum penalties set out in the 1978 order to ensure that the courts in Northern Ireland have the same penalty regime as in Great Britain. As the hon. Member for Rochdale (Paul Rowen) clearly indicated, it is important that we have that uniformity, not least because health and safety breaches are a danger wherever they occur in this United Kingdom.

Mr. Dismore: My hon. Friend says that the objective is to secure the same availability of penalties in Northern Ireland as in the rest of the United Kingdom. The question that I put to my right hon. Friend the Member for Streatham (Keith Hill), on which he touched, is why we have a maximum term of imprisonment in Northern Ireland of six months, compared with 12 months for the rest of the UK. Is that in practice because of the impact of the way that sentences are imposed, or because of the way that they are administered? Will this mean that people in Northern Ireland spend less time in prison for the same offence, as in the rest of the UK, or will it amount to the same thing in practice?

Mrs. McGuire: We are in danger of encroaching on what is the legitimate responsibility of the Northern Ireland legal process. I said at the beginning of my remarks that we obviously wanted parity as far as possible, while recognising that there are different elements within the system in England and, as I pointed out to my right hon. Friend the Member for Streatham, in Scotland and in Northern Ireland. I know that my hon. Friend takes a keen interest in the process of the courts and the law, but I suspect that these issues are rightfully vested in the slightly different process that exists in Northern Ireland. However, what is important is that the offences regime and the penalties regime be similar across the UK, so that it does not matter whereabouts in this United Kingdom people are tempted to break the law: they will be dealt with appropriately in that—

Mr. Dismore: Will my hon. Friend give way?

Mrs. McGuire: No, I do not want to go down the road of the courts system or the legal process in Northern Ireland. Forgive me, but we want to get on to Third Reading. I know that my hon. Friend is an expert in all these matters; perhaps he can develop some of the points that he wishes to raise if he catches your eye, Mr. Deputy Speaker, during Third Reading.

10.45 am

The power to impose a fine of up to £20,000 is already available in respect of some offences under the 1978 order, such as breaches of the general duties, as was mentioned. The difference in respect of the six and 12-month periods was also clearly highlighted.

I am delighted to be able to offer to my right hon. Friend the Government's support for these amendments. As I said, the way in which he has investigated the amendments—ensuring that the genuine and deep feeling within the Northern Ireland Executive, as well as within our own Secretary of State for Northern Ireland's Office, is recognised—has been exemplary. I commend the amendments to the House, along with my right hon. Friend.

Amendment agreed to.

Clause 2

CONSEQUENTIAL AMENDMENTS AND REPEALS

Amendments made: No. 2, page 1, line 15, leave out '1' and insert '1(1) and (2)'.

No. 3, page 1, line 18, at end insert—

'(3A) The Department concerned (within the meaning given in Article 2(2) of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))) may make any amendments to existing regulations that it considers necessary or expedient in consequence of the amendments made by section 1(3) and (4).

(3B) The power conferred by subsection (3A) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

Such a rule is subject to negative resolution within the meaning of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).':

No. 4, page 1, line 19, leave out 'subsection (2)' and insert 'this section'.—*[Keith Hill.]*

Clause 3

SHORT TITLE, COMMENCEMENT AND EXTENT

Amendment made: No. 5, page 2, line 6, leave out 'and Scotland only' and insert

', Scotland and Northern Ireland (except that an amendment or repeal made by this Act has the same extent as the provision to which it relates).'.—*[Keith Hill.]*

New Schedule 1

'NEW SCHEDULE 3A TO THE HEALTH AND SAFETY AT WORK (NORTHERN IRELAND) ORDER 1978

"SCHEDULE 3A

OFFENCES: MODE OF TRIAL AND MAXIMUM PENALTY

The mode of trial and maximum penalty applicable to each offence listed in the first column of the following table are as set out opposite that offence in the subsequent columns of the table.

Offence	*Mode of trial*	*Penalty on summary conviction*	*Penalty on conviction on indictment*
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Articles 4 to 7.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(a) consisting of a failure to discharge a duty to which a person is subject by virtue of Article 8.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 9.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(b) consisting of a contravention of Article 10.	Summarily or on indictment.	A fine not exceeding £20,000.	A fine.
An offence under Article 31(1)(c).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(d).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(e), (f) or (g).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(h).	Summarily only.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both.	
An offence under Article 31(1)(i).	Summarily or on indictment.	A fine not exceeding the statutory maximum.	A fine.
An offence under Article 31(1)(j).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(k), (l) or (m).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under Article 31(1)(n).	Summarily only.	A fine not exceeding level 5 on the standard scale.	
An offence under Article 31(1)(o).	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.
An offence under the existing statutory provisions for which no other penalty is specified.	Summarily or on indictment.	Imprisonment for a term not exceeding 6 months, or a fine not exceeding £20,000, or both.	Imprisonment for a term not exceeding two years, or a fine, or both.'".

—[Keith Hill.]

Brought up, read the First and Second time, and added to the Bill.

Schedule 2

CONSEQUENTIAL AMENDMENTS

Amendments made: No. 6, page 4, line 48, leave out 'of regulation' and insert 'of—

(a) regulation'.

No. 7, page 5, line 1, at end insert 'or—

(b) regulation 26(18) of the Manufacture and Storage of Explosives Regulations (Northern Ireland) 2006 (S.R. 2006/425),'.

No. 8, page 5, line 3 , after '1974' insert 'or Article 31(4) of the Health and Safety at Work (Northern Ireland) Order 1978'.

No. 9, page 5, line 4, after 'Act' insert 'or Schedule 3A to that Order'.

No. 10, page 5, leave out lines 8 to 15 and insert—

'(a) in the sentence beginning "A person who manufactures" as it extends to England and Wales and Scotland, for "and liable to the penalties specified in section 33(3) of the Health and Safety at Work etc. Act 1974" there is substituted "and liable as mentioned in the final item of Schedule 3A to the Health and Safety at Work etc. Act 1974 (mode of trial and penalty for offence under "existing statutory provisions" for which no other penalty is specified)";

(b) in that sentence as it extends to Northern Ireland, for "and liable to the penalties specified in Article 31(4) of the Health and Safety at Work (Northern Ireland) Order 1978" there is substituted "and liable as mentioned in the final item of Schedule 3A to the Health and Safety at Work (Northern Ireland) Order 1978 (mode of trial and penalty for offence under "existing statutory provisions" for which no other penalty is specified)";

(c) in the sentence beginning "If any explosive is imported or sold", for "and liable to the penalties specified in section 33(3) of" there is substituted "and liable as mentioned in the final item of Schedule 3A to".'.

No. 11, page 5, line 25, at end insert—

'Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))

(1) In Article 17 (health and safety regulations), paragraph (6)(e) is omitted.

(2) In Article 39 (remedy and forfeiture), after paragraph (3) there is inserted—

"(3A) Paragraph (4) applies where a person is convicted of an offence consisting of acquiring or attempting to acquire, possessing or using an explosive article or substance (within the meaning of any of the relevant statutory provisions) in contravention of any of the relevant statutory provisions."

(3) In paragraph (4) of that Article, for the words from "a person" to "there mentioned" there is substituted "the person is convicted of the offence".'.

No. 12, page 5, line 28, at end insert—

'Activity Centres (Young Persons' Safety) (Northern Ireland) Order 1998 (S.I. 1998/1069 (N.I. 5))

In Article 4 (offences), in paragraph (4)(f), for ", (2), (2A), (4) and (5)" there is substituted "and (2) (and the related provisions of Schedule 3A)".'.*—[Keith Hill.]*

Schedule 3

REPEALS

Amendments made: No. 13, page 5, leave out lines 32 to 35.

No. 14, page 5, line 37, at end insert—

'Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))	Article 17(6)(e).'.

No. 15, page 5, line 38, at end insert—

'Offshore, and Pipelines, Safety (Northern Ireland) Order 1992 (S.I. 1992/1728 (N.I. 17))	Article 6.'.

—[Keith Hill.]

Order for Third Reading read.

10.46 am

Keith Hill: I beg to move, That the Bill be now read the Third time.

I do not wish to detain the House with a lengthy recital of the virtues of this short Bill. It has met with a large degree of consensus, for which I am most grateful. As a consequence, in the course of our exchanges on Second Reading and in Committee, I sense that its merits have been sufficiently adumbrated. Nevertheless, in one respect—in relation to an undertaking that I made in Committee—I need to bring the House up to date with the approach that I made to the Sentencing Guidelines Council in connection with the Bill. In that context, and in anticipation of possible debate elsewhere, I would like to make a final attempt at responding to what I take to be the single outstanding reservation about the Bill—the CBI's continuing objection to the extension of the option of imprisonment for most health and safety offences and their prosecution in the lower courts.

Let me begin by acknowledging and welcoming the CBI's support for the principle behind the Bill, which is to bring financial penalties for breaches of specific duties to safeguard health and safety in line with general duties, and to bring the financial penalty framework for health and safety offences in line with other offences. On the mode of trial, I am also grateful for the CBI's support for the Bill's provision to make two offences relating to the powers of inspectors, under section 20 of the Health and Safety at Work, etc. Act 1974, either way offences.

What are the reasons, therefore, for the CBI's opposition to the option of imprisonment for most offences? It seems to me that there are various arguments, but I hope that the following is a fair summary of its opposition. First, the CBI is opposed because imprisonment applies to individuals, and health and safety offences are rarely the fault of one individual. Secondly, it is opposed because it believes that neither the protocols of the enforcement authorities nor existing sentencing guidelines provide sufficient safeguards to ensure proportionality. Thirdly, it is opposed because it says that the protocols or the pressure of publicity often encourage a rather arbitrary choice of whom to prosecute. Fourthly, it suspects that the wider availability of imprisonment will raise the stakes and encourage more challenges to prosecution. Fifthly, and finally, it takes the view that such cases should be heard only in the higher courts.

Perhaps I may deal with those arguments in reverse order, and begin by pointing out that the option of a custodial sentence imposed by the lower courts has been available since 1974 for failing to comply with an improvement or prohibition notice, or with a court remedy order, and for a number of offshore offences under the Act since 1992. In addition, imprisonment is widely available under other regulatory legislation, including the Environmental Protection Act 1990, the Water Resources Act 1991 and the Food Safety Act 1990. Given that those arrangements seem to have worked well and without objection for many years, it seems unreasonable for the CBI to challenge the principle now.

On the other hand, the wider availability of the option of imprisonment in both higher and lower courts may lead to more challenges to prosecutions. Who knows? It is a matter of speculation, but I shall make two points on that. First, the availability of higher fines and custodial sentences in the lower courts ought to relieve pressure on the Crown courts and therefore make for speedier and more efficient justice overall. Secondly, the scope for challenge on the part of the accused depends in large measure on the strength of the prosecutions brought by the enforcing authority. The Health and Safety Executive for Great Britain has a successful conviction rate of more than 95 per cent. and the Health and Safety Executive for Northern Ireland's rate is, as I have said, 100 per cent., so the scope for challenge would seem to be strictly limited. Those extraordinary statistics must be good evidence of the very high quality of the prosecutions brought by the HSE and they serve to undermine the CBI's suggestion that the cases brought by the HSE tend to be either arbitrary or not proportionate.

In Committee, I described the very strict guidelines applied by the HSE in its approach to the prosecution of health and safety offences, and I shall not detain the House by rehearsing the details of the commission's enforcement policy statement now, save to make three points. First, proportionality, which means relating enforcement action to risk, is the primary consideration in the bringing of any case under health and safety legislation. Secondly, the guidelines are even more rigorous and detailed in the standards of proof they say should be sought in the prosecution of individuals. Thirdly, it should be remembered that not only health and safety inspectors, but the courts exercise strict criteria in the approach to custodial sentences. The Powers of Criminal Courts (Sentencing) Act 2000 stipulates that a court may not pass a custodial sentence unless it is of the opinion that the offence or the combination of the offence and others associated with it was so serious that only such a sentence could be justified.

So, the standards of proof required of both the inspectorate and the courts in the pursuit of custodial sentences are very high, which makes it unlikely that imprisonment will be a frequent sentence in health and safety cases. There is also another reason for that. The CBI is right to say that health and safety offences are rarely the fault of one individual; for the most part they are the result of a combination or sequence of actions or inactions, and a negligent culture. So, there is a very low probability, in any circumstances, of the imprisonment of individuals. That will occur only in such serious cases as are likely to cause public outrage, as the regulatory impact assessment puts it. We think that under the new provisions of this Bill the rate of imprisonment could rise from three or four a year to six to eight.

Nevertheless, I recognise the concern expressed about the extension of the option of imprisonment in the Bill, which is why I undertook in Committee to approach the Sentencing Guidelines Council with a view to its issuing fresh guidelines to the courts in response to the Bill's

[Keith Hill]

new provisions. I have approached the SGC, in the form of a letter dated 3 June 2008 to its chairman, the Lord Chief Justice, Lord Phillips of Worth Matravers. As I gave a specific undertaking to the hon. Member for South-West Bedfordshire (Andrew Selous) to do so, I shall read it into the parliamentary record. It stated:

"Dear Lord Phillips,

I am contacting you to bring to the attention of the Sentencing Guidelines Council my Private Members Bill—the Health and Safety (Offences) Bill 2007-08—which has its report stage and third reading in the House of Commons on Friday June 13.

This Bill would amend Section 33 of the Health and Safety at Work etc Act 1974. In particular, it would:

Raise the maximum fine which may be imposed by the lower courts to £20,000 for most offences

Make a prison sentence an option for most health and safety offences in lower and higher courts

Make certain offences that can currently only go to trial in lower courts, triable in either the lower or higher courts.

In working to ensure that the Bill has a successful passage through both Houses, I have met with a range of interested parties, including Government officials, MPs from all sides of the House, the Association of Personal Injury Lawyers, the Health and Safety Executive and the Engineering Employers Federation. In particular, the EEF, while supporting the principles of the Bill, raised concerns over the potential application of the Bill. I therefore undertook to contact the Sentencing Guidelines Council to ensure that the courts have the right guidance to help them to respond proportionately to the new health and safety offences.

I note that you have recently issued revised Magistrates' Court Sentencing Guidelines, to be implemented on 4th August 2008. I also note that you are minded to do further work on environmental and regulatory offences when you come to review your work programme for 2008-09. It is clear that if my Bill becomes law, the Sentencing Guidelines Council will need to produce new guidelines based on these penalties, as both the current and proposed guidance will be out of date and inappropriate. I am also aware that the revised guidelines have sparked concern from both the HSE and the Office of Rail Regulation, in that the 'slimmed down' guidelines risk undoing the previous helpful guidance on adopting a proportionate approach that appeared in the earlier version of the guidelines.

I therefore believe it would be extremely timely if the council were, as a matter of priority, to draft new and improved guidelines in this area that take into account the provisions in the Bill and the concerns of the EEF, the CBI, the HSE and the Office of Rail Regulation. I would be happy to meet with you to discuss this matter further. In the meantime, please find enclosed further details of my Bill."

Should the Bill become law, I trust that a consultation on the new sentencing guidelines will ensue, and I shall work to ensure that all interested parties are involved in that consultation.

Let me draw my remarks to a close by expressing my thanks to the organisations and individuals who have helped me in the passage of this Bill. First and foremost, I thank the Health and Safety Executive here in London and the Health and Safety Executive for Northern Ireland, the Association of Personal Injury Lawyers, the Institution of Occupational Safety and Health, the Union of Construction, Allied Trades and Technicians and the Engineering Employers Federation. I thank also the Ministers at the Department for Work and Pensions—the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), and my noble Friend Lord McKenzie of Luton—and their officials for their stalwart support throughout the process.

I offer particular thanks to the hon. Member for South-West Bedfordshire, who speaks from the Opposition Front Bench, for his enlightened and generous support, for lending his name—others did so too—to the Northern Ireland amendments, and for his advocacy of an appropriate level of publicity for, and a campaign on, the new provisions of the Bill should it be enacted. Again, I should like to thank my assistant, Joe Moll, for doing most of the work behind the scenes.

The United Kingdom is the world leader in health and safety, but we must always strive to do better. I hope that this short Bill will play its part in that endeavour. Its purposes are clear—to punish the criminally negligent who put life and limb in danger in the workplace, to deter those who are tempted to cut costs by breaking the health and safety law, and to render faster and more efficient justice. The Bill seeks to do all that with no new regulatory requirements or new compliance costs in any sector, and I commend it to the House.

11 am

Andrew Selous: It is a pleasure again to respond to the right hon. Member for Streatham (Keith Hill). I think that we all hope that the powers in this Bill never have to be used, but that they will have a strong deterrent effect to ensure that our fellow citizens can go to work and come back at the end of the day without having been injured or, God forbid, killed.

As the right hon. Gentleman said, 241 of our fellow citizens were killed at work in 2006-07, with another 30,000 suffering serious injuries and 100,000 other injuries. Although our health and safety record in this country is very good, as he said, we should note that the 2006-07 figures for fatalities sadly show a 17 per cent. increase on the year before, so there is no room for complacency.

The right hon. Gentleman may be interested to know that worldwide there were some 355,000 workplace fatalities, according to the International Labour Organisation, half of which occurred in agriculture. Overall, we can take considerable credit from the fact that although we are the fifth largest economy, only 241 of those deaths—still too many—occurred in the United Kingdom.

We have rehearsed the reasons why we need the Bill on Second Reading and in Committee. It is no part of my personal political philosophy to deny judges the powers that they berate this House for not having given them when it comes to serious cases in which people have been killed and injured, so I am pleased that we are giving the judges what they tell us they need.

The Bill will also go some way towards reducing unwelcome bureaucracy and burdensome regulation, to which the McCrory report drew attention. We can say that this is a pro-business Bill, and we have to remember that it is businesses that pay all our salaries in this House. The Bill will also support those decent businesses that are already doing the right thing. It will stop them being undercut and ensure that they have a genuinely level playing field on which to operate.

Some specific concerns remain, and I am grateful to the right hon. Gentleman for reading out his letter to the Sentencing Guidelines Council. He is right that both the CBI and Network Rail have remaining concerns. The CBI brief on the Bill comments that

"the enforcer's choice of who to prosecute is often simply a matter of protocol or pressure from publicity".

I do not personally believe that to be the case, but I can understand why people who run businesses are worried. They need to try to make profits every day and they have many other things to worry about, so they do not want the unnecessary worry that they might wrongly end up in prison when they were not personally at fault.

Network Rail made the reasonable point in its briefing that it trusts that

"imprisonment of an individual, in whatever capacity, is only a relevant possibility where there is personal fault".

Everything that I have heard from the right hon. Gentleman and from the Minister has reassured me and others with those concerns that that will be the case. However, the right hon. Gentleman did not enlighten us as to the response from the Sentencing Guidelines Council, although he said that he hoped that it would make work on this issue an urgent priority in its programme. Perhaps when the Minister responds, she will be able to update the House on whether she has had any communication with the council. If not, I hope that she can confirm that it will be an urgent priority for her Department, so that we can reassure people who still have some worries about the issue.

My final point relates to the publicity campaign that the Department will need to run on this legislation. As I said earlier, we hope that the Bill will act as a deterrent, and will not need to be used, but it will have that effect only if people know about it. There is a tendency for Members of Parliament to think that the public hang on our every word, but the sad truth is that that is not the case. They have busy lives and do not always catch up with everything that we do. I hope that the Minister can tell me how the Department will inform businesses, small and large, about the Bill so that the deterrent effect works and the provisions never have to be used.

11.6 am

Paul Rowen: I also congratulate the right hon. Member for Streatham (Keith Hill) on the work that he has done on this important Bill. Health and safety knows no boundaries, and there is a strong cross-party consensus on what we need to do to make health and safety law more effective. When I looked at the provisions in preparation for this debate, I was surprised to find that much of the relevant law is delivered by regulations. The Acts, such as the Health and Safety at Work, etc. Act 1974, are enabling legislation. I was also surprised that magistrates in the lower courts cannot impose the maximum fine of £20,000. It is not that I expect that fine to be imposed on every occasion, but as the hon. Member for South-West Bedfordshire (Andrew Selous) said, much of what we do in health and safety is about deterrence.

People need to be aware of the possible penalties that they face, although it is lamentable that the penalty for failure to follow asbestos regulations is only £5,000 if the offence is dealt with in the lower courts. I represent a constituency that contains what used to be the world's largest asbestos factory, and we still live with the problems, so I know that it is hugely important to have an education programme so that employers, employees and directors of companies understand their responsibilities. The maximum fine of £25,000 sends a clear message that we are concerned to ensure that the directives and regulations are followed to the letter.

I know that the media like to suggest that some health and safety regulations are pointless and banal, but that is not the case when we consider some of the incidents and accidents that occur. Recently, for example, we have been trying to ensure that young people entering jobs for the first time get the appropriate support, advice and education. Health and safety regulations are important, and the £25,000 fine will send a clear message.

On the imprisonment option, I can understand the CBI's concern on one level, but again I do not expect that that option will be used on many occasions. It is right for the judges to berate us when they do not have that option.

As we said during the debate on the Northern Ireland amendments, it is not for us to tell judges how to do their jobs, but we need to provide them with the tools to do so. In particular, in serious cases where loss of life can clearly be put down to negligence on the part of a named person, the option of imprisonment should be available to the courts, whether the director of a company has failed to ensure that a piece of legislation is enacted or a prohibition order has been deliberately ignored, resulting in the loss of a life. People should know that when a prohibition order has been served it is their responsibility to implement it. If their failure to do so results in loss of life, it is right for the judge to be able to give a custodial sentence. That sends a clear message from us about the importance of health and safety regulation and it shows that we are serious when we say that such regulation must be not only looked at and left on the shelf, but followed.

I welcome the legislation. I would be interested to know what the Minister has to say about her discussions with the Sentencing Guidelines Council, because it is important that we allay CBI fears. However, once we have the law in place—I hope that the Bill now gets a speedy passage in the other place—we can ensure that we have the right sentencing guidelines to make it clear in which circumstances a custodial sentence will be imposed. I am glad to be able to support the Bill.

11.11 am

Laura Moffatt: I cannot think of a better reason to be in the House on a Friday morning than to support this excellent Bill. I congratulate my right hon. Friend the Member for Streatham (Keith Hill) on his work.

I have had a long-standing interest in health and safety matters. As a councillor with Crawley borough council, I chaired the environment committee for nine years and worked closely with not only environmental health officers but the Health and Safety Executive. Nothing was more distressing than to have a clear understanding that someone's safety had been disregarded by their employer but the feeling that no adequate prosecution could follow. That is why I am delighted to support these proportionate and sensible initiatives. By ensuring that all quarters of the House feel able to support the Bill, my right hon. Friend has succeeded where other Members have failed in the past. I believe and sincerely hope that consensus will lead to success today.

[Laura Moffatt]

After looking at the provisions in the Bill and hearing the arguments on Report, I believed that it was crucial that the Bill should address the important issue of Northern Ireland, and it is truly a measure of success that some sensible amendments have been made to the Bill to that effect. To those of us who are true Unionists and who want to ensure that all our UK countries have protection under the law, it was vital that work was undertaken today to approve the amendments. I am delighted that we have ensured that people in Northern Ireland who work in construction or other dangerous professions, and are under the same pressures as workers elsewhere in the UK, have the protection offered by the Bill.

Mr. Simon Burns (West Chelmsford) (Con): Can the hon. Lady confirm whether the Democratic Unionist party support the amendments?

Laura Moffatt: I do not think that I will intrude on private grief, particularly this week. Perhaps the hon. Gentleman would like to talk to his colleagues to see whether they support the legislation.

Ms Butler: The Bill has three clauses and three schedules. I think that the most important is schedule 1, which covers the mode of trial and maximum penalties. Does my hon. Friend agree?

Laura Moffatt: I thank the hon. Lady for that intervention—

Mr. Burns: Friend.

Laura Moffatt: Yes, the hon. Lady is my friend.

My hon. Friend rightly points out that aspects of the Bill are, for some of us, more important than others in terms of the signal that they will send out. Good employers will not be worried about the legislation one bit because they will say that it is the right thing to do, that they do their best for their employees and that they would therefore expect other employers to do the same. I hope that my hon. Friend also agrees that good employers will expect their colleagues who might be running similar businesses to raise their game and to think about the issues identified in the Bill. As the hon. Member for Rochdale (Paul Rowen) rightly pointed out, the effect of the publicity that the Bill will receive will be almost more important than the fact that it could be used to prosecute. In fact, most of us agree that we hope that the provisions will not need to be used, but the deterrent effect is as important as the fact that the measures will be on the statute book.

I am particularly interested in health and safety matters, because, as I am sure that the House will know, Gatwick airport is based in the Crawley constituency. Some 30,000 workers derive their living from an industry that has an excellent safety record. However, as in most matters, we can improve that record—that is why my right hon. Friend the Member for Streatham has introduced the Bill. Many contractors and subcontractors work on the site, particularly because of the renewal programme at Gatwick and the airport's 50th birthday this month, and it is a huge task to keep an eye on them, to ensure that they are all properly protected under the law and to ensure that their employers do all they can to guarantee that they are working in a safe environment.

Sadly, we have seen an increase in the number of injuries in the aviation industry, and we must address that. Things have been going in the wrong direction, and trade unions at the airport, which care deeply about their work force, have highlighted the problem to ensure that that record improves.

Ms Butler: I am sure that my hon. Friend, like me, will have received correspondence that shows that the trade unions are pleased that employers now have to carry out a fundamental risk assessment in the workplace. Often, their failure to do that results in accidents that could have been avoided.

Laura Moffatt: My hon. Friend raises an important point. It all contributes to the atmosphere that the Bill is trying to promote, which is, "Do the right thing and, as an employer, you will be protected and you will also, much more importantly, be protecting your employee." There is no better method of doing that than conducting a risk assessment programme. May I have some water? I am getting rather a dry throat.

The Bill will really make a difference to the entire work force, but closer examination of the categories of injuries and deaths that occur in the construction industry and throughout heavy industry reveals that the main sufferers are young people. It is the most appalling thing when a family have to face the death of a young person who only recently started work. Sadly, that group is disproportionately affected by accidents at work. So, I view the Bill as an important part of a package of Government measures that will ensure that young people are safe at work. That is why it was timely that my right hon. Friend the Member for Streatham brought forward this legislation at the same time as the Department for Children, Schools and Families brought forward legislation to ensure that young people will remain in education until the age of 18. That also gives—

Mr. Deputy Speaker: Order. I hope that the hon. Lady is not going to tax her voice unduly by straying outside the terms of the Bill. It is not a general debate about health and safety, however important that is; it is a debate about the Bill, and on Third Reading remarks should be very tightly drawn, to fit within the terms of the Bill.

Laura Moffatt: I am grateful for that guidance, Mr. Deputy Speaker. I was just trying to point out that it is important for us to use a panoply of legislation to improve the health and safety of workers.

The crucial part of the Bill is the provision for either way cases. Most of us would agree with the sentiment that justice delayed is justice denied. Therefore, particularly for the families of those who have been seriously injured or have been killed at work as a result of negligence, it is important that those cases are dealt with as quickly as possible. The Bill allows that to happen, by giving the power for the lower courts to deal with cases more swiftly, instead of passing them on to a higher court.

The provisions of the Bill need to be widely explained. There is a huge community out there, who are watching with interest, but we need to ensure that the message

gets through, especially to hard-pressed employers. As the hon. Member for South-West Bedfordshire (Andrew Selous) pointed out, this is a pro-business Bill, but we must accept that many smaller businesses have their head down, working hard, and may sometimes miss what we believe to be incredibly important legislation passing through the House. They may miss what I sincerely hope will happen—the enactment of this Bill.

Ms Butler: To help those small businesses especially, the Health and Safety Commission has local environmental health officers, whose role is preventive. The Bill adds to that preventive function, so employers should not fear the Bill, but should implement it in order to prevent accidents.

Laura Moffatt: My hon. Friend makes a very good point. The lives of most people working in the health and safety sector are dedicated to preventing injury and death. They will be able to use the Bill as a deterrent, to make employers think more carefully about aspects of their business that might put someone at risk.

I hope that I am in order here, Mr. Deputy Speaker, but I do not know whether hon. Members have been listening to the Radio 4 serialisation of "The Ragged Trousered Philanthropists" on Sundays. I raise this point because on Report, the issue was raised of whether employees should be subject to the Bill's provisions. I firmly believe that they should. If an employee puts other employees at risk, they should find themselves in the firing line. I mentioned that serialisation because it happens to be running at the moment, and my right hon. Friend the Member for Kingston upon Hull, East (Mr. Prescott) is playing the police officer—rather magnificently too. It is a fantastic book anyway, but specifically it is relevant to the debate because "Old Misery", as the works manager is called, puts huge pressure on the people who work for the company to do things that they probably would not wish to, and he is doing it on behalf of someone else. I suspect that many employees today, who are trying to deliver and may be subject to a bonus, may be caused by such pressures not to do the right thing.

Mr. Dismore: I do think that my hon. Friend is putting the cart before the horse, and I hope, if I catch your eye later, Mr. Deputy Speaker, that I can make this point in more detail. She argues that working practices are putting pressure on employees to cut corners and potentially commit health and safety offences. Whose fault is that? Is it the fault of the employee, who often has no option, or of the employer who puts the employee in that appalling position?

Laura Moffatt: Of course it is a sticky issue, but in my opinion it would not be sensible to exclude an employee from the measures in the Bill, because I have no doubt that a disreputable employer would quickly find someone who was employed in the company to, as they say, take the rap on the Bill. They would put the blame on them and say, "I gave the right advice, but sadly my employee—the manager—did not follow it." To allow that would be a mistake because it would send the wrong message. Let us remember that this is a pro-business Bill. On the whole, we are talking about really good employers who care about the people in their work force, but we know—we are not stupid—that there are people out there who do not.

Ms Butler: I thank my hon. Friend for giving away again; she has been very generous. The Bill deals with prosecutions, but it is reserved for the most serious offences, so does she agree that employees should not fear if they are doing their job correctly? Only the most serious offences would go to court.

Laura Moffatt: I thank my hon. Friend for that intervention. A theme runs through this Third Reading debate that if it is a pro-business Bill—a Bill that supports good employers—only those who are guilty of clear negligence or disregard for their work force will be affected by it. That is why I return to the point that the hon. Member for Rochdale raised about publicity. I believe that the Bill's deterrent factor will be enormous. I sincerely hope that the Bill becomes law. Important work has been done recently and in the past to enable us to reach this point. We have a responsibility to go out there and share the news with the community who will be most affected. We all have contacts with our business community, and I think this is a good-news story, which Members of Parliament could help our business community to understand.

Scare stories about such Bills often suggest that everyone will end up in prison, when we have clearly said, certainly in preceding debates and today's debate, that that is not true and that such provisions apply to the most severe cases. There is a real sense of public interest in the Bill. It is important as Members of Parliament to say, "We are on your side. This is important legislation that helps to protect you and your family at work," and the Bill certainly does so.

We have talked a little about the partners who have been involved in the legislation. Certainly, in my time in the House of Commons, I have worked closely with IOSH—the Institution of Occupational Safety and Health—which is, again, very supportive of the Bill. It spends most of its time trying to dispel myths about not being able to take schoolchildren on trips because it is unsafe. It has a fantastic website, which has a myth buster about health and safety legislation. Its core business is ensuring that people remain safe at work.

We all have a right to think that the House is prepared to protect us on our behalf when we do difficult jobs. We have a right to expect that, when we go to work, those who employ us have legislation on their shoulder to remind them that it is important that we do the right thing in the workplace. That must be coupled with education and training, because that is how we move legislation forward.

Mr. Deputy Speaker: Order. The hon. Lady is beginning to generalise again. I urge her to remember that this is a Third Reading debate on this Bill.

Laura Moffatt: Thank you very much, Mr. Deputy Speaker, for your help and guidance.

Once again, the Bill's provisions are sensible and proportionate. They allow us to understand that health and safety law in this country supports what is an excellent record. The Bill takes us forward and ensures that the message that we send out is one of caring about

[Laura Moffatt]

those in the workplace. We are determined to ensure that that is a record of which we are proud. I congratulate my right hon. Friend the Member for Streatham on giving hon. Members the opportunity to support the Bill at this crucial stage, and I hope very much that it becomes part and parcel of health and safety law in the United Kingdom.

11.32 am

Ms Butler: I, too, congratulate my right hon. Friend the Member for Streatham (Keith Hill) on bringing this very worthy Bill before the House and, as an ex-trade union official, it is a pleasure to support it.

Last year, employees in Britain suffered nearly 250 work-related deaths, nearly 30,000 major injuries and well over 100,000 lesser injuries. As hon. Members can imagine, that has caused great grief to the families of those who died, but it has caused a huge economic impact on industry, with a lot of people being off work sick. Many people have been compensated, but many others have not. In industries where some health and safety measures could have been implemented but have perhaps been overlooked, the Bill will help to focus the minds of those employers to ensure that they make the necessary amendments to their workplaces.

In 2006-07, more than 120 members of the general public were killed and nearly 17,500 people reported injuries in the workplace. It is therefore important that the House debates the Bill to ensure that not only employees but members of the general public are protected. The Bill will help to make public life safer. It is apt to discuss the Bill, as we are lucky enough to be hosting the Olympics in 2012. We have had many debates on the Olympics; we have major construction on the way in east London and all around the country. As part of the Olympics, we hope to leave a lasting legacy, and we must ensure that part of legacy is not an increase in the number of work-related deaths. The Bill will help to avoid such an increase.

The Bill also adds to protection, as I have said previously. I hope that, as we have a diverse work force, employers will ensure that different languages are used on health and safety notices in the workplace. We must recognise the importance of the impact of such incidents on the employees who suffer the injuries and on their families. Whether the injury is big or small, its impact is lasting—so I thank my right hon. Friend for introducing the Bill.

Laura Moffatt: My hon. Friend rightly raises the issue of different languages. Does the House have a role in reaching the different communities in our constituencies to try to ensure that the Bill's provisions are sent out and discussed in those different languages? Is there any value in calling meetings with our constituents?

Ms Butler: I thank my hon. Friend for making that point. As my constituency is the most diverse in the UK, I think that it is powerful and important point. We must ensure that everyone understands the legislation and their responsibility, and that might mean that we need to translate aspects of the Bill. Ignorance is no excuse for not obeying the law, and employers cannot cite ignorance in that respect. I hope that the House and perhaps the Minister in responding will take forward that recommendation.

My hon. Friend mentioned the HSE earlier. It is has always been clear about the need to increase the fines to make them relevant and cost a fair bit, so that an employer cannot easily dismiss them as a trade-off for not making improvements. The fines must make employers think again.

Laura Moffatt: My hon. Friend makes an important point. Does she agree that the introduction of a prison sentence will prevent some of the trade-off from going on? Many of us were fearful that someone might pass off a fine as a cost to their business. A prison sentence is very much more serious.

Ms Butler: Absolutely; a prison sentence certainly focuses the mind. In 2005, Philip Hampton noted in his report on regulation and enforcement for the Treasury that the existing maximum fine of £5,000 was "an insignificant sum" for most businesses. That point was reiterated in 2006 by Professor Macrory in his regulatory justice report, subtitled "Making Sanctions Effective".

On the option of imprisonment, there is a history going back to the mid-1990s of judges expressing discontent at being unable to impose jail sentences for health and safety offences. Indeed, on 8 January, my hon. Friend the Member for High Peak (Tom Levitt) cited just such a case in his Adjournment debate on carbon monoxide detectors. He noted that, in 2006, a judge in Nottingham Crown court complained of being able only to fine a man whose negligent work on a gas boiler had led to two deaths from carbon monoxide poisoning. The threat of prison will indeed focus the minds of those employers who avoid making the necessary corrections.

It should be stressed that the Bill is pro-business. Its purpose is not to punish businesses, especially small businesses, but simply to protect the health and safety and well-being of employees and the public in general.

There are considerable disparities between fines imposed for health and safety offences and those imposed for other regulatory breaches. In 2007, British Airways was fined more than £121 million for illegally fixing fuel charges on passengers; the postal regulator fined Royal Mail nearly £12 million for service standard failures; and in 2005 the Financial Services Authority fined Shell £17 million for serious misconduct amounting to market abuse. The biggest ever United Kingdom fine for a health and safety offence is the £15 million that Transco was fined following the Larkhall explosion which killed a family of four in 1999. The Bill will help to end such discrepancies. It will also remove fear from those who are not doing wrong, while ensuring that those who are doing wrong become fearful.

Laura Moffatt: Does my hon. Friend agree that the Bill is not about revenge or about getting back at employers, but about improving practice in the workplace? I think that that is the message we should send.

Ms Butler: Absolutely; it is important for the House to send a clear message about what is expected of employers and a clear message to workers and the public that we will protect their rights, and the Bill will enable us to do that.

Breaches of financial and competition regulations should be punished heavily when appropriate. As a trade union official, I often felt frustrated when suitable punishments were not imposed. Although employees sometimes noted health and safety breaches in the accident book, they would frequently not bother, thinking "What is the point? Nothing will be done." I hope the Bill will empower people by assuring them that something serious will be done, that they need not fear that they are doing something they ought not to be doing, and that they will not risk losing their jobs or being alienated in the workplace.

It has been a pleasure to support the Bill. Let me end by reiterating that it is important for the House to send a message to those who seek to flout the health and safety regulations and put at risk the safety of employees and members of the public, through either their desire for profit or their incompetence, that the House considers such actions unacceptable.

11.43 am

Mr. Dismore: I warmly congratulate my right hon. Friend the Member for Streatham (Keith Hill) on having achieved so much that has been attempted on many previous occasions without success. It is a tribute to his skill and diplomacy that he has built such an amazing consensus among people and organisations, particularly those who have tried to block similar Bills in the past. I understand that he intends to retire at the next general election. Perhaps his swansong will be the achievement of what many others have been unable to achieve: a successful private Member's Bill. I assume that the House will give it a Third Reading today, and that there will be no difficulties in the other place.

My right hon. Friend has, as I have said, built a consensus across the divide between employers and employees. There may be arguments to be had about matters of detail, particularly the question of imprisonment, with which I shall deal later; but the fact remains that there is general agreement that the existing penalties, which date back to 1974—or even earlier, to the Robens report, which my right hon. Friend did not mention and which gave rise to the Act—have proved inadequate. It might be interesting to think about the possible reasons for that.

In 1974, money was worth rather more than it is now because of appalling inflation under previous Governments—I will not proceed down that route, Mr. Deputy Speaker, because I know you would stop me if I did—but there was also a whole new way of dealing with health and safety in the workplace. The traditional way had been much more regulatory, involving the Factories Act 1961 and many similar Acts and subordinate regulations. The Health and Safety at Work, etc. Act 1974 provided a new way of regulating more generally through the more general duties that it imposed. It contained no provisions for civil compensation; its effect was purely criminal. That may well be why the penalties that were available in 1975, when the Act came into force, were somewhat less than they might have been had some thought been given to that aspect.

Laura Moffatt: I was interested to read that earlier in proceedings on the Bill some Members suggested that it would be a good idea to uprate the penalties over time to ensure that they remained relevant. Has my hon. Friend a view on that?

Mr. Dismore: I think that my hon. Friend is right in principle, but in practice I am not sure that it would make a great deal of difference. The penalties available to the magistrates court are still limited, although broader than the original 1974 proposals, but in the Crown court, where the more serious cases will be prosecuted—because that will be the prosecution's option—the penalties, both fines and imprisonment, are limited.

Before I came to the House, I was a personal injury lawyer. I suppose I still am: once a lawyer always a lawyer, and I still have my practising certificate so I ought to declare an interest to that extent. I should add, however, that I have never actually prosecuted a case. That is one of the problems with the existing law: it does not allow private prosecutions. Prosecutions can be brought only by the Health and Safety Executive or by others on its behalf, and I believe that in more serious cases they must be authorised by the Director of Public Prosecutions. Certainly that applies to private prosecutions. I do not think it has ever been done, although I once tried to do it on behalf of the Fire Brigades Union. We found that it was impossible to prosecute, which may be a matter for a future Bill. If my right hon. Friend is successful in next year's ballot, he may wish to take it up.

The "etc." in the Health and Safety at Work, etc. Act 1974 should not be forgotten. The Act also covers various matters related to welfare, which I suspect are caught by this Bill's amendments to existing penalties. I am not entirely sure that there have been many prosecutions under the welfare provisions.

Currently, magistrates cannot impose a fine higher than £20,000 if the offence relates to a breach of the 1974 Act or to similar Acts, or higher than £5,000 if the offence refers to a breach of regulations, such as those that have become known as the six-pack regulations as they have been updated. Most prosecutions tend to relate to the regulatory offences rather than to the Act itself. If sentencing takes place in the Crown court, there are no maximum fines. The Bill before us will raise the maximum fine for breaches of the regulations to £20,000 in the magistrates court, and in both the lower and the higher courts it will make imprisonment an option for health and safety offences.

The courts will be able to pass a custodial sentence if it is felt that the gravity of the offence justifies it. That is entirely appropriate, because if we consider the records so far, statistics show that the average penalty per conviction in 2006-07 was £15,370, which to me and you, Mr. Deputy Speaker, is quite a lot of money, but to some of the companies involved it is peanuts. Fines in excess of £100,000 are very few and far between, so if we exclude from the calculations the very few very high fines, because they distort the norm, the average is only £8,273, which is considerably below the maximum possible figure of £20,000. That prompts the question whether, even with my right hon. Friend's very welcome amendments to the regulatory regime, we are going far enough.

My hon. Friend the Member for Crawley (Laura Moffatt) mentioned publicity, and perhaps we could look at the proceedings of the Corporate Manslaughter and Corporate Homicide Act 2007, in which we were able to introduce, as part of the penalty arrangements, a publicity order requiring an employer who had been prosecuted under the provisions to publicise the fact. There is a strong case for saying that even if we cannot

[Mr. Dismore]

make that provision part of the regime under discussion, the publicity that surrounds those convictions is important, as my hon. Friend said. I hope that local newspapers will start to report such offences with rather more vigour than they sometimes have done. If the penalties are higher, they will inevitably—I hope—attract more publicity.

There is also the question of holding the directors of a company to account. As we heard during the Corporate Manslaughter and Corporate Homicide Bill debates, we have a parallel system whereby small employers are more likely than big companies to face severe penalties of imprisonment, because the small one-man band has the controlling mind of the company. If there are only one or two employees, it is pretty clear who is responsible. The company may even be a partnership, or, indeed, simply an unincorporated business—somebody operating on their own account. In those circumstances, the employer will be prosecuted and may face imprisonment. However, if the company is a big multinational, that does not happen, unfortunately, and we do not have any equivalent penalties to impose on it. All we can do is fine the company.

When a company is prosecuted, the dock is empty. At the very least, we ought to ensure that the directors are sitting in the dock to hear what is said about their company, as opposed to sitting outside the dock, behind their lawyers, which is what normally happens. That, in itself, might start to concentrate directors' minds and bring to them a degree of shame for what they may have done—or rather what the company, for which they are responsible, may have done, because, hiding behind a corporate veil, they cannot be held personally accountable. That is wrong, and my right hon. Friend earlier adumbrated the need for a director's health and safety duty. I very much share that view. Perhaps my right hon. Friend, if he is successful in next year's ballot, can also try that as an alternative. Perhaps I shall be successful and I can add it to my list of private Members' Bills to bring before the House because, again, it is an important feature of the process of holding companies to account.

There is no doubt that the best way of concentrating the mind of a recalcitrant director is the fear that he may be held personally liable for what his company does. When we consider some of the offences under the Companies Act 2006, it is instrumental to note that, in respect of the regulation of companies, a director can be held personally liable, but that he cannot be held liable if he or his company kills or maims one of his employees.

Andrew Selous: I agree that some directors and employers do need to be brought to book. I do not know about the hon. Gentleman's experience when he has been out with construction inspectors, as I have, but the breaches that we uncovered were brought about—unknown to management—by employees themselves who wanted to finish their job more quickly. The employees had been given the correct equipment, but they were not using it as they had been told to. It is important to get that point on the record, because I should not want the tenor of the debate to be that all breaches of health and safety are just about evil directors; many employees are themselves responsible for breaches of health and safety.

Mr. Dismore: The hon. Gentleman makes an important point. It relates to the duties under section 7 of the 1974 Act, to which I hope to refer shortly, and how we should approach employees who misbehave. As I said earlier, we should examine the system of work that might put an employee in the position of having to cut corners. As the hon. Gentleman says, some people might behave in that way because they want to skive off early, but some might be put under pressure through a system of work that requires them to cut corners. The best example of that is white van man, who is often given impossible delivery schedules and ends up speeding and having road accidents because he is driving negligently or is too tired. A serious flaw in the operation of the Health and Safety Executive is that it does not—or did not until recently—consider such road accidents to be accidents at work. I think it has recently changed its policy, but there is still an awfully long way to go in terms of how those accidents are recorded and investigated. The HSE still sees them primarily as a matter for the police to investigate, and may start to investigate only when a major system flaw is found. It has not always seen them as a major priority.

We have to look at the other side of the coin. If someone is issued with goggles and told time and again to put them on but does not do so because they find them uncomfortable, that is significant. However, even those cases prompt the question why the employer has not taken disciplinary action. In the end, even if the employee is 90 per cent. at fault, the employer still bears some responsibility for having not ensured that the rules are properly enforced. They cannot entirely abnegate their responsibility for what happens on building sites, in factories or at other workplaces under their control. There is always a reason why these things happen. It may be a result of cutting corners; it may be because of how the wages are calculated—piece rate, job and finish or whatever. All those things are part of the systems that can lead to the taking of shortcuts and, therefore, health and safety risks. On the face of it, it may look as if it is clearly the employee's fault, but we sometimes need to delve a little deeper.

Let me return to the responsibility of directors. We need to consider how we can make directors personally liable for some of the things that happen in the name of their company. At the moment, if a fine is imposed, even an unlimited fine, it will merely be passed on to the company's shareholders by being paid out of the potential profits, which may be a little lower, with the result that the shareholders lose out. The shareholders, who have no control, de facto, over what is happening, end up paying the penalty, while the directors escape scot-free. I hope that as the Bill progresses we can see some progress in this respect, and if not in this Bill then in future legislation.

The real goal of the Bill is to embed a health and safety culture in every workplace in the country. It is inequitable if some workers are placed at risk by the negligence or carelessness of their employers. Contrary to many press reports, health and safety is one of the hallmarks of a civilised and cohesive society where every person looks after the safety and welfare of their fellow citizens. As my hon. Friend the Member for Crawley said, the 1974 Act imposes not just duties in the workplace but, under section 6, duties on those who employ people, and it extends to the wider general

public as well. If somebody is injured as a result of activities on a construction site—the proverbial person walking in the street who has a 2-tonne weight land on them and squash them—the employer will potentially be liable for a breach under the Act, if a prosecution follows.

The new penalties are not only about protecting employees in the workplace but protecting the contractor in the workplace and, more importantly, they are a vital protection for the general public. We have seen that in some of the prosecutions to do with train crashes. There has always been an argument about whether, in those cases, prosecutions should have been brought for corporate manslaughter. I am pleased that we now have the Corporate Manslaughter and Corporate Homicide Act 2007, which could well provide the answer to that. Families were concerned that when prosecutions were brought under the 1974 Act, the penalties imposed might have been very large—fines in excess of £1 million in relation to the Ladbroke Grove train crash—but the directors did not face personal liability. That is one of the flaws, which I pointed out on several occasions during its passage, of the 2007 Act. However, we are considering an important measure tonight—*[Interruption.]* It may be tonight by the time I have finished.

To achieve the full benefits of the approach that we are considering, there must be a cultural shift in the workplace. Health and safety must become central to the way businesses are run, and businesses must accept that any breach of those laws rightly results in sanctions—severe sanctions if necessary.

Laura Moffatt: I note from *Hansard* that there has been some debate about the human rights aspects of imprisonment for some offences. Given my hon. Friend's expertise, has he considered whether the provisions breach human rights?

Mr. Dismore: My hon. Friend asks an important question. If I put my Chairman's hat on, I can say that article 5 of the European convention on human rights applies. It provides for imprisonment of those who have committed a criminal offence, as long as they have a fair trial in accordance with the law. My hon. Friend does not therefore need to worry about the matter—so far as I understand it, the Bill complies entirely with the convention's requirements. I am not sure whether my right hon. Friend the Member for Streatham or the Minister have published a certificate to that effect, but my hon. Friend the Member for Crawley does not need to worry about incompatibilities with or infringements of the convention or the Human Rights Act 1998. However, it is a good point because I believe that private Members' Bills should go through the same process as Government measures to ensure, as far as is possible, compliance with the Human Rights Act, through the publishing of the certificate, which the Attorney-General and the relevant Minister usually sign. Hon. Members would be advised to follow that process because, in the past, some private Members' Bills have given rise to strong questions about their compliance and compatibility with the Human Rights Act.

Health and safety law does not want primarily to achieve more prosecutions, but to prevent accidents from happening. The goal is positive prevention on the one hand and deterrence on the other. The Bill is geared very much towards deterrence and it is important that the Government, through the Health and Safety Executive or other means, embark on a publicity campaign to ensure that employers, especially in industries that have a poor safety record, know about the consequences of committing an offence. The small one-man-band construction company could face imprisonment and other sorts of company could face higher fines. As I said earlier, I believe it is unfair that there is a two-tier system whereby the small employer is more likely than a larger one to face a serious penalty, but it is nevertheless important to do all we can to ensure that employers know that they are more at risk now than in the past.

On prevention, it is interesting to note the way the scale fits together, with improvement notices, prohibition notices and now prosecution through the Bill. We must examine the system under the 1974 Act as an entity; we should not simply lift out one piece and ignore the overall picture. Enforcement will take place generally through improvement notices. Prohibition notices are important when a major breach that is likely to cause injury is detected. I hope that the Bill means that the courts will impose significant sentences when people are in breach of a prohibition notice—I believe that that is a consequence of the schedule. Non-compliance with an improvement notice is different, and a matter for employment tribunals, as I recall.

However, prohibition notices are very serious. They are not issued that often—perhaps they ought to be issued more often—but a breach is a serious matter that should lead to prosecution and the more significant penalties under my right hon. Friend's Bill. One of the fundamental purposes of any legal sanction for wrongdoing is deterrence, which applies equally to health and safety law.

Many commendable organisations already take health and safety seriously, but there are rogue companies that do not. In 2006-07, 241 people were killed at work, which was an increase of 17 on the previous year. That is a worrying trend and may reflect the fact that the Health and Safety Executive's resources are inadequate. That is not a matter for today's debate, although it is an important factor that we must take into account, because as we take less enforcement action, so it becomes more important that we should take stronger enforcement action, with stronger penalties.

Mr. Dennis Skinner (Bolsover) (Lab): I apologise for not being here earlier, but we on the Labour party's national executive committee have been discussing, one with another, the vanity ballot that will take place some time in July in Haltemprice.

I had a case a few years ago involving a young lad who had a finger cut off by wood-cutting machine in Clumber park. No action was taken, despite all our efforts, because we were told that the owner of the machine was not worth pursuing, as he did not have any money. Is there any way in which such action could be taken under the auspices of the Bill that my right hon. Friend the Member for Streatham (Keith Hill) has introduced?

Mr. Dismore: My hon. Friend makes more than one point; he makes two points. The first is that it is especially tragic when young people are maimed, injured or killed at work, particularly when they are on work experience. As I recall from our proceedings on the Corporate

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Manslaughter and Corporate Homicide Act 2007, there was one case in which somebody was killed on their very first day at work. That case shows—although my hon. Friend's example perhaps illustrates this rather better—that employers owe a particular duty to people with no work experience to speak of who are put in an alien environment and face hazards that they were never aware of before. Indeed, without the appropriate training and proper health and safety precautions being taken, they might not even appreciate the fact that they are in a hazardous environment. My hon. Friend's first point is therefore about a class of people who need particular protection under the 1974 Act.

My hon. Friend's second point is about what happens to the prosecution if the employer is not worth a bean. The answer to that is in the Bill: the employer may not be worth a bean, but he can still be locked up if the court concludes that the offence is sufficiently serious to warrant a term of imprisonment.

Ultimately, the Health and Safety Executive would have to form a view, based on the facts of the case, on whether the employer was worth prosecuting, because the decision on the penalty is a matter not for the prosecution, but for the magistrate or the Crown court judge on conviction. The Health and Safety Executive could take the view that the court would be unlikely to impose a custodial sentence, but it would still have the opportunity of a suspended sentence and the range of similar penalties that flow from that. However, I would hope that the availability of a heavier sentence, involving custody, would be an incentive for the Health and Safety Executive to prosecute those cases that would previously not have been worth the candle. My hon. Friend therefore makes an important point.

Before my hon. Friend's intervention, I was talking about the problem of rogue companies and how the Bill will act as an additional deterrent against them. The difficulty is that the rogue company cuts its costs and undercuts good employers by providing the same goods at a cheaper price, but at the expense of its workers. That is another reason why the additional penalties are so important. They will enable the good employer to compete on a more level playing field against those who take the risk at the expense of their workers.

Mr. Skinner: My hon. Friend prompts me to refer to the fact that the work environment is changing dramatically. As he knows, I used to be involved in the mines. There were about 700,000 workers and we were all unionised; and every pit had compensation agencies. Now people work mainly in the service industry and many firms are private. My hon. Friend referred to rogue companies and all the rest of it. I think there is a minefield out there. That is another reason why my right hon. Friend's Bill is so important. Does he believe that the Bill can catch all these people now changing the face of the industrial environment?

Mr. Dismore: My hon. Friend raises an important point. There is no doubt that the nature of employment has changed from heavy industries towards service industries. In accepting that, we need to recognise two things. First, even working in an office is not quite as safe as we may sometimes think. There is repetitive strain injury and strain induced by using computer screens, along with other hazards that we take for granted—tripping hazards, for example. In the health service, severe prosecutions have been brought in respect of injuries caused to staff. I believe that we have also started to see prosecutions being brought in connection with stress on the work force. A couple of years ago, the Health and Safety Executive brought what I think was the first prosecution of that sort against a health trust somewhere in the west country. I stand to be corrected, but I believe that was the first time a prosecution was brought over stress-related illness.

My hon. Friend is absolutely right about the significant change in the nature of industry, within which a whole new raft of hazards in the workplace, particularly stress-induced health hazards, need to be taken into account. At the same time, in the traditional industries, new machinery and new chemicals are presenting new hazards. Indeed, some of the older chemicals have proved to be hazardous in a way that was not originally understood. The explosion of asbestos claims is a good example. Forty or 50 years ago, people did not think that asbestos was much of a problem; but they do now, and we have seen a raft of similar conditions starting to work their way through the system.

Let me deal with the other issue that arises from what my hon. Friend said. The Health and Safety Executive is responsible for prosecutions in factories and building sites, but prosecution in respect of shops and offices is a matter for the local authority. I am afraid that local authorities are very poor when it comes to the amount of effort and resources they can put into prosecution. My right hon. Friend's Bill does not draw a distinction between prosecutions brought by local authority enforcement agencies and those brought by the Health and Safety Executive. The Bill provides for stronger sentences under the Health and Safety at Work, etc. Act wherever the offence is committed, but we know from statistics that the prosecutions brought by local authorities are few and far between. That brings me back to my earlier point about publicity, so I hope that my right hon. Friend will ensure that local authority chief executives are notified of these significantly stronger consequences that flow from prosecution, which should incentivise local authorities to take their responsibilities more seriously and bring prosecutions more frequently where appropriate, which they may not have done in the past. I hope that the Bill will incentivise local authorities to step up their enforcement activities more generally. So far, as I said, they have been lax.

The sanction system simply does not provide a suitable deterrent for breaches of health and safety law, so the strengthening of sanctions is long overdue. It cannot be right when implementing health and safety systems can cost more than the fines that apply to them. Unfortunately, the fines are sometimes far less, with the net result that the employer can make more money by breaking the law than complying with it. It cannot be right for that to become simply part of the business risk—an assessment of how much it will cost to fix the machine as opposed to how much it will cost in fines if a finger is chopped off. That must be corrected. The stronger penalties in the Bill will go a long way towards achieving that.

Conscientious companies that take health and safety seriously should not be penalised by rogue companies receiving paltry fines. Profitability should never be part

of the equation, because people's lives and livelihoods are at stake. In that context, perhaps I might pick up a point that has been made several times today in relation to offences under section 7 of the Health and Safety at Work, etc. Act. The early sections of that Act set out offences, and section 33 relates to prosecution. Speaking from memory, section 7 provides for the prosecution of an employee. It should be borne in mind that the duties in the Act are, of course, not absolute; the duty is only to take steps

"so far as is reasonably practicable".

That in itself has been a cause of concern to those of us who dealt with health and safety in our previous lives. It is not a very high standard, so we are not asking employers to do a great deal. The provision is not to take steps "so far as is practicable", which is a higher standard, and it is not the absolute standard that we thought would be imposed under six-pack regulations, which will, in large part, be subject to reasonableness tests.

On section 7 offences, the issue comes down to whether it is appropriate for the employee to be subject to the same penalties as the employer. I take some exception to what my right hon. Friend has proposed in that respect. Should the worker—the building-site labourer—face the same penalty as the multi-millionaire company owner? Is that fair or right? That is not to say that prosecution is not appropriate in the right sort of cases. Only a few dozen cases a year, if that, are prosecuted against employees directly. Usually, they are for more serious breaches such as the persistent refusal to wear goggles, which I mentioned earlier.

It would be very unfair if employees were to be scapegoated and prosecuted for the failings of their employers. The cases that come to mind are one or two of the train crash cases, in which the train driver was prosecuted. I think that my right hon. Friend may be aware of those cases from experiences in his previous life. I think that it was in the case of the Clapham train crash that the train driver was prosecuted. I think that in the end, a long time later, he was exonerated, but I may be wrong about that. Similarly, in the Zeebrugge ferry disaster, employees were prosecuted for the failings of the system imposed by P&O. The ferry disaster is perhaps a better example; the company was prosecuted for corporate manslaughter, and the prosecution failed. However, the ship's captain and some of the seamen on the ship were prosecuted for offences, which I thought very unfair. It would be a bit disproportionate if they were to face significantly higher penalties as a result of my right hon. Friend's Bill, but of course I would not oppose his Bill just because it raised that concern. The fact is that an employee on indictment could still face significant penalties.

Laura Moffatt: Does my hon. Friend not agree that if employees were exempted under the Bill, it might be likely that an employer would come to an arrangement with an employee whereby the employee would say that an incident was their fault? The employer could therefore escape prosecution.

Mr. Dismore: I understand what my hon. Friend is saying, but I think that the idea is a little fanciful. I am not for one minute suggesting that an employee should be exempt from prosecution. The part of the regime in question goes back to the original 1974 Act, and even beyond that to some of the old regulatory offences. My only question is whether it is appropriate in employee cases for the significantly higher penalties to become available in place of the existing penalties. Should an employee be liable for an unlimited fine? Or should they be liable for the £20,000 fine—an awful lot of money to the average working person?

Keith Hill: That is the present position.

Mr. Dismore: As my right hon. Friend says, the present position is that they face a £20,000 fine. His Bill provides for unlimited fines and potential imprisonment. My basic question is whether it is fair to impose those significantly higher penalties on the working person, as opposed to the employer, who ultimately has control over the workplace.

Mr. Skinner: It can be different in common law.

Mr. Dismore: I am not entirely sure whether I understand my hon. Friend's point, but if he is talking about compensation claims—

Mr. Skinner: It is different.

Mr. Dismore: Well, I am not sure that it is that different. In a compensation claim, the chances of an employee being sued are pretty slim because they have not got any money. As a personal injury lawyer, the basic rule was, "Don't sue anybody who ain't got no money or insurance."

Mr. Skinner: It is mainly, but not entirely, different because, for example, in the pits somebody might have not erected the proper pit props and as a result somebody else might have finished up with a broken thigh, and a negligence claim might then have been pursued, but throughout the 21 years I was working underground there was never one case taken out against the employee for negligence; the employer who was employing that person was regarded as negligent.

Mr. Deputy Speaker: Order. I hope that the hon. Member for Hendon (Mr. Dismore), who has great experience of these debates, will not allow himself to be diverted too widely. I have to say again to the House that we are discussing the Third Reading of this Bill.

Mr. Dismore: Thank you, Mr. Deputy Speaker. I would simply say that I understand now what my hon. Friend is talking about: it is vicarious liability for the negligence of an employee. You are right, Mr. Deputy Speaker, that that strays a little far from the Bill, because the Bill is about the criminal side of health and safety, whereas my hon. Friend's intervention was about the civil compensation side, which is a separate issue. One of the general failings of the 1974 Act is that we cannot bring civil cases based on the obligations under it. That is a digression, however, and we must now return to the detail of the Bill.

A useful comparison can be drawn with the level of fines for breaches of financial law and regulations. The Financial Services Authority is the regulator that performs a similar role in the financial sphere to the HSE in health and safety. In 2006-07, the average fine imposed

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by the FSA was £232,000 and the average fine for the five years to the end of 2006 was £712,000. Two recently reported cases demonstrate the discrepancy I wish to highlight. On 16 January this year, the FSA fined HFC Bank Ltd £1.085 million for failing to take reasonable care to ensure that the advice it gave to customers to buy payment protection insurance was suitable. On 20 January—four days later—Asda was fined a mere £225,000, less than a quarter of the earlier amount, after a customer was killed by a car park barrier that smashed through his windscreen. That highlights the disparity in how our enforcement system in this country works. How can it be right that someone being killed by a car park barrier falling through his windscreen is worth less than the negligence—or improper advice, rather—given by a bank to its customers and it not taking reasonable care?

I hope that one of the consequences of the Bill will be that we see a bit more of a level playing field between these financial regulatory offences and health and safety regulatory offences. I do not deny that serious financial offences should be punished accordingly, and be subject to significantly higher fines, but it is the glaring difference between the level of fines that causes most concern. Breaches of health and safety often lead to death and serious injury and cause great distress to the person concerned and their family, and that must be reflected in the sanctions imposed on the negligent party, which is what the Bill provides for.

It is one of the guiding principles of the British justice system that victims of negligence should receive appropriate redress for the wrong that has been done to them. This is not just a question of natural justice. Many families involved in health and safety cases are more concerned that similar events do not befall other innocent people. That is an important factor. We recently talked about inquests, and one of the key issues is that people want to know not necessarily that they will get compensation, but that steps will be taken to ensure that the same thing does not happen again to some other unfortunate person or family. The additional penalties that provide the deterrent effect in the Bill—and, if there is a prosecution, that lead to widespread publicity and the naming and shaming of the company or employer involved—can only help to send a message to the whole of society that breaches of health and safety will not be tolerated and, it is to be hoped, that lessons will be learned when offences occur. The point is that the measure will, I hope, at long last start to make it more expensive not to adopt health and safety measures than to adopt them, which is the problem that we now experience.

Of course, it is all very well our legislating in this way, but ultimately, enforcement is a matter for the courts. The penalty is a matter for the judge or the magistrate. Instrumental was the fact that it was previously acknowledged by the courts, the Government and the HSE itself that fines for breaches of health and safety laws and regulations are too low. Judicial support for this view came in the case of the Crown *v.* Howe & Son (Engineers) Ltd in 1999. The judge said:

"The objective of prosecutions for health and safety offences in the work place is to achieve a safe environment for those who work there and for other members of the public who may be affected. A fine needs to be large enough to bring that message home where that defendant is a company not only to those who manage it but also to its shareholders."

So there is some judicial support for the suggestion that fines are not as high as they could and should be. I therefore hope that we will see judges taking on board the new powers that the Bill will provide, assuming that it becomes law.

The Health and Safety Commission itself, in its response to the draft Regulatory Enforcement and Sanctions Bill, said:

"Before looking at new penalties there is a need to ensure the level of fines imposed under current penalties act as an effective deterrent: current levels are too low".

That is the point: at the moment the courts are not imposing the penalties that they could within the powers that they have. The maximum is £20,000 and as I said earlier, if we take out the very big cases, that is about half what they should be fining. Let us hope that the House is sending a clear message to the courts today that we are not satisfied with the level of fines being imposed, that we are giving them the discretion to impose much higher penalties, and that they should use those powers much more vigorously when they convict somebody and the penalty is imposed.

I very much welcome my right hon. Friend's Bill. In introducing it, he has done a service not just to the House but to every single working person in the country by hopefully making their place of work a little safer and their employers take safety a little more seriously. I welcome my right hon. Friend's initiative and I, for one, think that this Bill has enormous merit.

12.27 pm

Mr. Denis MacShane (Rotherham) (Lab): In the last weekend of Easter, there is always a very moving ceremony outside the Minster in Rotherham, the parish church, at which the vicar of Rotherham—together, usually, with a Muslim imam—gathers with workers and trade unionists to lay wreaths to commemorate all the people who died in workplace accidents in the past year in Britain. Workers' memorial day has grown from being a very small event into quite a large gathering. The Bill of my right hon. Friend the Member for Streatham (Keith Hill), which is achieving its Third Reading with all-party support, will be warmly welcomed by employees and workers in Rotherham.

I am of course conscious that my right hon. Friend has a distinguished trade union background, serving the railway workers of Britain in particular before entering this House. It worries me slightly that the same number of people with such background and experience are no longer to be seen on the Benches of either side of this House. It is important that the difficulties that employees and workers face are adequately reflected in this our House of Commons.

As the MP for Rotherham—for that great steel, engineering and mining town—I am of course extremely conscious of the devastating toll that workplace accidents still take on the lives of people in my constituency and in the whole of south Yorkshire. I could regale you with stories of some of the major workplace accidents that have taken place in Rotherham, Mr. Deputy Speaker, but I suspect that you would not allow me to do so. I strongly commend a marvellous new book called "Black

Gold", which is about the Fitzwilliam family, who owned much of the land and the mines of Rotherham. They were actually a very progressive and socially conscious family. On a visit to Rotherham, King George V became the first monarch ever to descend down a mine. Everything was set up and carefully prepared for him. A day or two before that happened, there was a terrible mining accident, which shocked the whole community, but the King still went to greet the miners. I think that he understood from that moment some of the real difficulties faced by working people in Britain, of which the Governments of the day, whose representatives came principally only from what one might call the bourgeois, employer or capitalist class, had no idea.

It is important that the House acknowledges that far too many people still die or are seriously injured at work in our country—according to the latest available figures, 241 people were killed and 28,267 were injured in the workplace in 2006-07. That death toll is extraordinary. We rightly draw to the House's attention the death of any one of our public servants—our brave military in Afghanistan, our police officers or our fire officers—when they give up their lives for us in the course of their duty, but we rarely hear mention at the Dispatch Box of anyone who has lost their life simply because we are not able to alter our mentality to prevent preventable accidents. The Bill promoted by my right hon. Friend the Member for Streatham is an important step forward in that direction.

I shall not adumbrate the Government's efforts in the past 11 years to help the working people of Britain, which started with the minimum wage and the signing of the social chapter, and continued with last week's agreement, thanks to a good example of working social partnership between the CBI and the TUC, on the agency workers question. It was endorsed by the European Council after 15 hours of long negotiation by my right hon. Friend the Secretary of State for Business, Enterprise and Regulatory Reform and the Minister for Employment Relations and Postal Affairs.

I was disappointed to hear the hon. Member for Huntingdon (Mr. Djanogly) attack that deal, saying that it was about a Government getting on the backs of employers. The hon. Member for South-West Bedfordshire (Andrew Selous), all of whose contributions to this debate I have read carefully, has been very supportive of the Bill promoted by my right hon. Friend the Member for Streatham and of the Government's support for it. We need to place on record the fact that were there to be a change of Government, the workers of Britain would need to watch out—we have already heard the language of withdrawing from the social charter obligations of Europe and altering the strike law in this country. There is no doubt that the men of immense wealth who sit in the shadow Cabinet and represent the Conservative party have no real care for the broader interests of Britain's working people. The hon. Member for South-West Bedfordshire is put up to support this Bill, and we welcome his presence, although he is, of course, alone in the House with a string of Labour MPs.

Andrew Selous: I very much resent the tenor of the right hon. Gentleman's remarks. If he had been here earlier, he would have appreciated the considerable degree of cross-party consensus, which, as the right hon. Member for Streatham will confirm, has been in place all the way through. I am not being put up to be here; I am here because I believe in this, and I resent the tenor of those remarks.

Mr. MacShane: I just praised the hon. Gentleman. If he reacts to praise in that manner, I fear that perhaps I am gently getting under the collective skin.

Mr. Skinner: It is a disease on that Bench.

Mr. MacShane: I would rather not get into that.

Madam Deputy Speaker (Sylvia Heal): Order.

Mr. MacShane: I shall leave to my hon. Friend the Member for Bolsover (Mr. Skinner) our chance to make these points in a different way.

There is a substantial fear in our nation about any return to the kind of approach to this matter that was on offer before 1997. This law has been on the statute book since 1974. It would have been possible in 1981, 1982 or 1983—right through to 1997—to bring in the changes that my right hon. Friend proposes. The moment I hear about cross-party consensus, I tend to run for shelter, so perhaps I should say that it is also sad that it has taken 11 years for a Labour Government to find time for this Bill.

The important point is that the Bill puts the onus on employers to think a little harder about health and safety. It will raise the maximum fine that the lower courts can impose to £20,000. It will allow both lower and higher courts to make imprisonment an option for most health and safety offences. The whole idea of law in our country, in any sphere in which it mandates behaviour, is that examples are set in the courts, and an example is worth a thousand pages of earnest health and safety leaflets sent out by the HSE and other organisations.

The Bill will also give those concerned the chance to take certain offences from the lower courts to a higher level. If hon. Members had come with me to talk to those families who gathered in front of the Minster in Rotherham at the end of April, they would understand why those families would have liked this law to have been on the statute book some years ago.

Health and safety is the most concrete and explicit way to create partnership in the workplace. I think of the former US Secretary of the Treasury, Paul O'Neill, who served for a couple of years under President George W. Bush. Before becoming Secretary of the Treasury, Mr. O'Neill was the boss of Alcoa, the giant US-based global aluminium company. During his tenure as chief executive officer, he insisted that each year his managers had to report a certain percentage reduction in workplace health and safety incidents. If they did not, they were fired. The job of a subordinate manager is usually to report more sales, more profit or more market share, but Paul O'Neill wanted his managers to report as few deaths and accidents as possible. That approach massively improved the productivity and performance of the American aluminium industry. He saved that industry and, to some extent, the world aluminium industry by his leadership. He also found that the trade unions came to respect him and were prepared to reach agreements in other areas, such as wages and manning levels, that they might otherwise have resisted. When he became Secretary of the Treasury, he insisted that—*[Interruption.]*

Madam Deputy Speaker: Order. The right hon. Gentleman is now straying somewhat from the Third Reading of the Bill, which emphasises the increase in penalties for health and safety offences.

Mr. MacShane: I am sorry that I am upsetting Opposition Front Benchers, who are getting excited about what is happening in Ireland. The fact remains that Mr. O'Neill is a shining example of how, under good and creative management, the penalties in the Bill become less necessary. Alas, many people do not share his point of view. For example, Corus, now owned by Tata, which is the principal steel employer in my constituency—it is doing well and is setting on extra shifts, because British industry is doing better than people realise at the moment—starts any presentation with the accident rate in its workplace. We need to ensure that that culture, which already exists in the best British firms, becomes much more widespread.

Earlier, we heard mention of the fact that although 26 per cent. of British GDP is produced by industrial production, 70 per cent. is produced by the service industry. It is now in the so-called service industries—such as transport and delivery—where many of the worst accidents happen. For example, they are caused by the white van boys who cut corners. In the companies, from newspaper offices to others, that are based on data input, repetitive strain injury is a real problem.

I remember that when RSI first arose as an issue in newsrooms, employers and editors simply dismissed it. They suggested that their journalists should type a little less and have a break or two or a drink now and then, but RSI reduced men and women to agony. They would be unable to open a bottle of milk or to use a can opener as that very worrying industrial injury, which people did not recognise, suddenly took hold. I believe that if this law had been in place during the 1980s and early 1990s, it would have been possible for employees to use it to send out clear messages much earlier on that RSI was a real industrial workplace injury.

Over time, employers, in particular in the media industry—about which I know a lot as a former president of the National Union of Journalists—accepted that RSI was a genuine workplace problem and that they would have to start treating it as an industrial injury, not as a bit of malingering or an example of people who could not be bothered to do all the typing that was required, especially on the new keyboards as the electronic technology came in.

I hope that the Bill, once it becomes law, will give clear signals to employers up and down the country that they could face penalties, including imprisonment, if they do not work to improve health and safety in all areas of their employer responsibility. In the wider borough of Rotherham, which covers Rother Valley and Wentworth as well as the Rotherham constituency, we have about 4,000 VAT-registered firms. Most are small companies. Some are big, important firms such as Corus, Beatson Clark, Yorkshire Windows and other companies that take a very responsible approach to their work force, but some are small companies that have been created recently.

Those small companies face an awful lot of cash-flow pressures, time-management pressures, employee-relation pressures and form-filling pressures. I accept and understand all that, but none of those pressures could ever be an excuse to cut corners on health and safety. That is why I hope that maximum publicity—not just a little story in the *Financial Times*—should be given across the country to the importance of my right hon. Friend's Bill, just to make certain employers stop, pause and think.

I accept what the hon. Member for South-West Bedfordshire said about employees' responsibility. I made a TV film for the BBC once about health and safety at work. We went into the paint shop at Ford in Dagenham, which was a filthy place with fumes and the most disgusting atmosphere. All the men there had to wear spacesuit-type giant plastic helmets locked into a breathing apparatus before they could go into the paint shop. We filmed a man who had very calmly drilled a hole in the front of his plastic visor so that he could smoke through it while on the job. I cannot blame the managers of Ford for that lunatic who was embracing an early death.

It is very responsible for us all to wear safety helmets and other safety gear if we ever go on to any industrial site. Sometimes we think that that is a bit crazy, and ask why we have to wear those glasses or that silly helmet, as the site is perfectly safe. Again, it is about sending out a signal, just as I wish that a certain former Member of this House might wear his crash helmet more often when he bikes around London to tell the children of London that wearing a helmet when they are on a bike is a very good idea.

The Bill has passed through the House and I believe that it will be welcomed by all. It is an important step forward. I accept that it has received all-party support and I congratulate the hon. Member for South-West Bedfordshire, whose speeches I have read. His sincerity, his straightness, is not in question, even if some of us worry about the fate of the working people of this country if by some tragedy there was to be any change of Government.

I congratulate my right hon. Friend the Member for Streatham, who is leaving the House at the next election—unless he is going off to pull some weird stunt by calling a by-election. I hope that his services are not lost to public life, and indeed to parliamentary life, but that is a matter for other Bills that may be before the House. It is a tribute to his service as a trade unionist that he leaves the House having piloted this measure on to the statute book. We cannot abolish workplace deaths and injuries, but if as a result of the Bill, in a few years' time there are 100 rather than 241 deaths, and 15,000 rather than 24,000 injuries, there will be families that will honour the name of Keith Hill for generations to come.

12.46 pm

Mrs. McGuire: I am delighted to make what I hope will be a shortish contribution to the Third Reading debate. Once again I congratulate my right hon. Friend the Member for Streatham (Keith Hill) on his efforts in piloting the Bill successfully through the House. I appreciate that praise has been showered on him throughout the process—[HON. MEMBERS: "More!"]—but all of it is justified, as my hon. Friends have indicated, notwithstanding the comments made by my hon. Friend the Member for Hendon (Mr. Dismore).

A great deal of effort was made to ensure that we were more successful on the Bill's latest journey than we had been in previous expeditions on this important issue. My right hon. Friend the Member for Streatham

showed a willingness to consult widely with a range of stakeholders, and to take on board the views and concerns of hon. Members. The very fact that when, as we hope, the Bill has completed its parliamentary process it will be extended to cover Northern Ireland is a case in point. As was said earlier in the debate, there had previously been a time lag between Great Britain and UK legislation, and I know that my right hon. Friend was very keen to ensure that that did not happen in this case. He also went out of his way to ensure that parliamentary colleagues in the Northern Ireland Assembly and their officials were involved in the discussions, and that is to be commended.

I also express my gratitude to all hon. Members who participated in the process, and to those who have participated today, especially my hon. Friends the Members for Crawley (Laura Moffatt), for Brent, South (Ms Butler), and for Hendon—who gave us the benefit of his extensive legal knowledge—and my right hon. Friend the Member for Rotherham (Mr. MacShane). It would be churlish of me not to extend my thanks to the hon. Member for South-West Bedfordshire (Andrew Selous); to the hon. Member for St. Ives (Andrew George), who helped to shape the Northern Ireland amendments; and of course to the hon. Member for Rochdale (Paul Rowen), who made valuable contributions to the debate.

Obviously, it is not my responsibility to reply in any detail to the debate—that honour falls to my right hon. Friend the Member for Streatham—but I should like to address some of the issues that have been raised with which it would be appropriate for me to deal as the Minister from the Department for Work and Pensions.

I should like first to underline again the fact that the Government very much welcome the Bill. It is the fifth time that such a Bill has been introduced in the House. The issues identified in the Bill are entirely consistent with Government policy, the HSE health and safety strategy, which the Government fully support, and the wider consideration of regulatory sanctions identified in both the Hampton and the Macrory reports.

Although hon. Members who have spoken have identified the number of people killed or injured in Great Britain, we cannot overstate the importance of continuing to reflect on those situations. As my right hon. Friend the Member for Rotherham and other hon. Members have highlighted, each of those statistics involves an individual who has a network of family and friends and represents a personal tragedy to that network and, indeed, to the working community in which they exist.

In fact, 241 people were killed at work, about 270,000 suffered serious or major injury and some 2.2 million suffered from work-related illnesses. In Northern Ireland, 18 people were killed, more than 3,000 suffered an injury and some 30,000 suffered from a work-related illness. I always think that it sounds a bit harsh to put that in economic terms, but we need to address the economic impact. The UK lost 36 million working days due to ill health and injury. Of course, as we all recognise, many workers and their families lost much more.

Although my right hon. Friend the Member for Streatham highlighted that the UK has a good comparative record on health and safety at work, it is fair for us to say that the situation is unacceptable and that we need to do more to improve it. The UK needs every business or organisation to be well managed, and a vital part of that good management involves looking after health and safety.

I shall give an example from my personal experience of visiting an offshore oil rig in the North sea. The story starts in the oil company's office. As we went downstairs, I was told to hold the rail while walking down the stairs. Apparently, the rule in that company, whether onshore or offshore, was that everyone had to hold the handrail when walking downstairs. Everyone in the organisation had to accept that responsibility. If someone was not prepared to hold the handrail—it did not matter whether it was the chief executive officer or the most junior member of staff—they could be advised by anyone in the company to get their hands on to the handrail. It was not just a pedantic issue; it was an important health and safety issue, for which everyone took responsibility. I am sure that we all recognise that many accidents, both onshore and offshore, are caused by falling downstairs. Of course, none of us ever thinks that we will ever fall downstairs, but we know how easy it is to trip.

Looking after health and safety is a vital part of good management. People should be able to go to work, expecting to return home again at the end of the day and to do so healthy and uninjured. That is morally right, and it is right for business. It is what the public expect. When people die or are injured or made ill as a result of poor management, society expects justice to be done. The HSE strategy makes it very clear that health and safety enforcement—enforcing the law—remains an important part of HSE and local authority work. That is reflected in the HSE's annual business plan, and the Government are wholeheartedly behind that approach.

We expect the Health and Safety Executive and local authorities to be tough on businesses that wilfully break the law and put people at risk. It is very much a matter of enabling justice, so that those who put others at risk by failing in their duties can be held to account. To that end, the HSE and local authorities will continue to prosecute when it is proportionate to do so, for example when failures to comply with the law are serious and when serious risks are not prevented. In the light of some of the experiences that have been described today, I hope that that will afford some comfort to Members who have highlighted starkly some of the issues that can arise when health and safety issues are not taken seriously.

This approach is in line with the HSE board's policy, with enforcement principles supported by the Government, and with the Government's statutory regulators' compliance code and regulatory principles. The Government fully support the proportionate, targeted, consistent and transparent approach that is set out in the HSE's enforcement policy statement. Each year the HSE encounters some 60,000 organisations and individuals with duties in health and safety law. Its inspectors' response to most breaches is to give advice and information, or where necessary to use enforcement notices to require a change. In 2007, 1,141 offences were prosecuted, which demonstrates that the cases that are eventually brought to court represent the most serious breaches of health and safety legislation. The prosecutions were in line with the code for Crown prosecutors, and it is clearly in the public interest to mount a prosecution in such circumstances.

As has been explained, the Bill's purpose is to increase the penalties for the most serious health and safety offences that come before both the lower and the higher

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courts, primarily to ensure that the lower courts have available a level of punishment that constitutes a proportionate response by fully reflecting the seriousness of the offences, but also to deter irresponsible behaviour and further encourage employers and others to comply with the law. The Bill will also ensure greater efficiency in the dispensation of justice. Extending the £20,000 maximum fine to the lower courts and making imprisonment an option should make it possible to resolve more cases in the lower courts. As my right hon. Friend said, justice will be faster, less costly and more efficient.

Furthermore, the Bill will resolve the problem of cases involving serious breaches when, even in the higher courts, it is not possible to impose a custodial sentence except in very limited circumstances. I shall say more in a moment about custodial sentences, and will deal with points raised by the CBI. Every year, approximately 25 people die from carbon monoxide poisoning caused by gas appliances and flues that have not been properly installed or maintained. Recent HSE initiatives against unregistered gas installers have led the courts to impose sentences that have generated significant local and national publicity on gas safety issues. However, imprisonment is available only in limited cases, when there has been a death and the police can find evidence with which to bring a case for manslaughter, or when a gas fitter has failed to comply with an enforcement notice previously issued by the HSE. There are still cases in which the courts cannot impose what they consider would be a proportionate sentence.

The availability of stiffer sentences would strengthen the deterrent to those who, as my hon. Friend the Member for Crawley suggested, may think it worth their while to continue to benefit from carrying out work that puts innocent people in danger. By making imprisonment an option for the judiciary and the courts on a wider range of serious breaches of health and safety legislation, we believe that justice will be better served and, very importantly, that it will act as a deterrent to wrongdoers. In turn, that will benefit the vast majority of businesses that make real efforts to protect their workers.

Most prosecutions take place in the lower courts, and the average penalties for convictions, excluding fines of more than £100,000, have tended to increase year-on-year since 1990-91, with occasional exceptions. The average penalty is still less than £9,000, however, despite the possibility of fines of up to £20,000 on summary convictions for breaches under section 226 of the 1974 Act. Those breaches make up just over half the HSE's prosecutions. The Court of Appeal's view, expressed in 1998 but still relevant, was that the general level of fines in health and safety cases was too low. It also identified that particular aggravating circumstances could be taken into account, such as whether death resulted from a breach, whether the defendant failed to heed warnings—including, for example, previous HSE advice or action, including improvement or prohibition notices—and whether the breach was deliberate with a view to profit in order to save money.

In the Friskies Petcare case, the Court of Appeal also made a recommendation about how the prosecution and defence should assist the case by setting out in advance the aggravating and mitigating factors in it. May I assure Members that the HSE now ensures that the courts are made fully aware of those factors before sentencing? That has resulted in some improvement to the level of fines, but health and safety fines are still generally lower than those imposed on companies by financial regulators for regulatory breaches, for competition offences or for insolvency.

The Court of Appeal in 1998 is not the only one to have said as much; case after case can be cited to justify my right hon. Friend's Bill. For example, in a case in 2006 the magistrate, Richard Clancy, told a Mr. Jarnell, who was up on a health and safety charge, that his conduct was "disgraceful" and that a hearing in a higher court would undoubtedly have resulted in a prison sentence. Further, Judge Roger Scott in 2006 branded Paul Regan "dangerous", saying that in the case in question:

"The family were put at risk of death by poisoning or explosion."

Judge Scott also said:

"I wouldn't allow you within 150 miles of my house. You should go to prison for 18 months but as it is I can only fine you."

In 1996, 1998 and 1999, there were all sorts of cases. One judge said:

"These matters are so serious that a court should consider imprisonment. But Parliament has given us no such powers to pass such a sentence".

During the same case, in the 1990s, the judge also said that

"such abuse of young children is wholly unacceptable".

Another judge, in opening his sentencing remarks, said:

"These offences do not carry imprisonment, if they did I wouldn't want you, nor the public, to be under any delusions that I would sentence you to prison and I would send you to prison for a substantial period of time."

The reaction is clear from our judges and Law Lords. They have asked that this particular piece of legislation—although, obviously, not identifying all its detail—be put through the House, so that it opens up the opportunity for them to deal specifically with serious health and safety offences. For that, my right hon. Friend deserves nothing but praise. While breaches of financial and competition regulations should be punished because of the impact on society as a whole, corporate health and safety crimes need more serious sanctions such as increased fines and, in more serious cases, imprisonment to address the personal cost and suffering attached to every single injury or fatality.

I remind the hon. Member for South-West Bedfordshire that the Bill does not change the requirements on business by introducing any new duties or obligations. However, it does ensure that sentences for health and safety breaches relating to the current duties can more easily be set at a level to deter those who attempt to flout the law.

The hon. Member for Rochdale asked about our view of the comments made in the CBI report. There are other regulatory regimes whereby imprisonment is available as a sentencing option. For example, the maximum sentence under the Environmental Protection Act 1990 is five years, and two years under subsidiary regulations, and there are maximum sentences of two years under the Water Resources Act 1991 and the Food Safety Act 1990. Before the hon. Member for South-West Bedfordshire rises to claim the credit, as those pieces of

legislation were introduced under a Conservative Government, I hope he will accept that we give credit where it is due. There were other situations in which previous Governments recognised that some breaches were potentially so serious that they needed to attract a prison sentence.

My hon. Friend the Member for Hendon mentioned the various legal systems. I should like to clarify that matter for the House because it is important. The Scottish judicial system differs from that in England and Wales. In Scotland, cases that would be taken by the HSE or by local authorities are taken by the Crown Office and the Procurator Fiscal Service. Health and safety cases heard in the magistrates court in England and Wales will in Scotland usually be heard in the sheriff court before a sheriff under summary proceedings, and will on conviction attract the same penalties as in the magistrates court in England and Wales. Cases taken on indictment, which would be heard in the Crown Court in England and Wales, are usually heard in the sheriff court before a sheriff and a jury—my hon. Friend asked about jury trials—and will on conviction attract the same penalties as in the Crown Court. There is that read-across. The sheriff, for the benefit of anybody who has not come across that law qualification, is a legally qualified officer of the court who is appointed from the Scottish Bar or the solicitor profession.

Andrew Selous: Will the hon. Lady respond to the point about the time scale within which the Sentencing Guidelines Council will respond to the letter from the right hon. Member for Streatham (Keith Hill)?

Mrs. McGuire: The hon. Gentleman is impatient; I still have some bits and pieces to say. I will come to sentencing guidelines shortly.

In Scotland, the most serious cases are heard in the High Court, and exceptionally health and safety cases may be referred to the High Court for sentencing. Trial in the High Court is on indictment and heard before a judge and jury. I thought it important to put that comparison on the record.

The hon. Member for South-West Bedfordshire and the hon. Member for Rochdale mentioned the Sentencing Guidelines Council. My right hon Friend the Member for Streatham read into the record the full text of his letter to that body. If the Bill is enacted, it will clearly necessitate changes to the guidelines. As has been said, my right hon. Friend and the Health and Safety Executive have already informed the Sentencing Guidelines Council. No meetings have yet taken place, but HSE and Sentencing Guidelines Council officials have agreed to work together to ensure consistency and proportionality in sentencing. The council will keep the matter under review, and the guidelines are binding on all courts. Courts in Scotland and Northern Ireland also have regard to the guidelines, although no bodies similar to the guidelines council have been established there.

It is almost an urban myth that Parliament is not subject to health and safety law. Sometimes we forget that, although there are 650-odd Members, Parliament is the workplace for hundreds more people who work to support us. Laws such as the 1974 Act and associated legislation do not apply to Parliament. However, I wish to give an assurance that the parliamentary authorities undertake to comply with relevant health and safety legislation to ensure the health and safety of Members, visitors and staff in the precincts. Parliament is not a Crown body, so its position is different from the immunity that some Crown bodies, such as Departments, have.

A couple of points were made about proposed publicity if the Bill is enacted. Of course, it must go through the other place first. I may be speaking out of turn, but I believe that my right hon. Friend has identified an eminent Member of the other House to pilot it through—[Hon. Members: "Himself."] I hope not, because that would cause all sorts of complications. Assuming that we give the measure a fair wind shortly—I believe that we will—I am sure that the other place will agree that the Bill is worth while.

On publicity, I hope that I can reassure the hon. Member for South-West Bedfordshire and my right hon. Friend the Member for Rotherham that we will not put the measure on a shelf and dust it down every so often, with only the 10 or 15 or so people who have been actively involved in its progress knowing about it. The Government intend to spread the message about the Bill's implications. It will underpin the work of the HSE and local authorities in ensuring that employers take health and safety management seriously and act to keep people safe and healthy. Department for Work and Pensions and HSE officials are drawing up plans to publicise the new Act and the increased penalties.

We will maximise press interest because the Bill constitutes a significant change in response to judges and those who sit on the bench in our various jurisdictions. The HSE website, which is well used, especially by small and medium-sized employers, will specifically refer to it.

Meetings and discussions will take place with key bodies, such as the Sentencing Guidelines Council, as I have already said, the Ministry of Justice, the Courts Service, the Judicial Studies Board, the Magistrates Association and the Justices Clerks Society, as well as similar organisations in Scotland and Northern Ireland. There will be meetings with key HSE stakeholders, including the CBI and the Small Business Trade Association Forum. Perhaps more importantly in relation to targeting the information, there will be articles in relevant magazines and journals. Our inspectors will be updated on the guidance and our advocates, such as solicitors agents, local authorities and others, will be well aware of the new situation when they take cases through the courts and will be able to advise magistrates appropriately.

Throughout the progress of the Bill, I hope that I have set out clearly the fact that the Government welcome it. It has been supported by the trade unions and the CBI, although the CBI has raised concerns about the opportunity to imprison. However, I hope that I have also drawn the CBI's attention to the fact that the situation is not unusual. There are other regulatory regimes where imprisonment is on offer to the courts when sentencing.

Again, I am unstinting in my praise for my right hon. Friend the Member for Streatham, who has taken forward the Bill with gusto. I knew that he had gusto when I was one of his Whips in the Government Whips Office, but his energy and commitment throughout these proceedings, as well as the patience that he has shown in talking us through some of the detail, are exemplary. I do not wish to use that old Scottish expression, "Here's your hat, what's your hurry?", but we may not have another

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formal occasion to comment on his extensive parliamentary career. He will be remembered as the Member of Parliament who piloted a significant change in our health and safety legislation and brought our sentencing policy into the 21st century. For that, I wish formally to congratulate him.

1.17 pm

Keith Hill: With the leave of the House, I shall forgo my opportunity to respond at length. My dear and hon. Friend the Minister has dealt with all the points raised during the debate. I merely thank her and other colleagues for the praise that has been showered upon me. I have not done all the work alone, however, so I thank all those who know the contributions that they have made. I hope that we have made a piece of history and that people's lives will be better for it.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

SOVEREIGNTY OF PARLIAMENT (EUROPEAN COMMUNITIES) BILL

Order for Second Reading read.

To be read a Second time on Friday 20 June.

Road Traffic (Congestion Reduction) Bill

Order for Second Reading read.

1.19 pm

Mr. Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

I count myself fortunate to have any time at all to debate a Bill on a Friday that I have drafted, or which has been drafted, with minimal assistance from me, by officials of the House, who have also given me guidance, for which I am eternally grateful. It is relatively unusual to have a Presentation Bill debated in the House in this Session.

The reason why I asked to put the previous Bill back to next Friday is that I already have a Bill dealing with the European Union on the Order Paper for that day, so I thought that I should regard today as providing an important opportunity to talk about an equally significant issue for our constituents and citizens—namely, road traffic congestion reduction.

Earlier this week, I was privileged to attend a dinner in Wandsworth town hall to celebrate 30 continuous years of Conservative control in Wandsworth. During the course of that dinner, the former MP for Henley gave us an updated version of part of the prayer of St. Francis of Assisi, which he felt moved to provide because we were in the presence of Baroness Thatcher of Kesteven. The former MP for Henley thus said:

"Where there is congestion, let there be free flowing traffic".

That is very much the theme of the Bill.

Mr. Greg Knight (East Yorkshire) (Con): Does my hon. Friend accept that his Bill is defective in its drafting and that it could have been a much better Bill if he had drawn its terms rather wider? He is seeking in the Bill to

"Place a duty on highway authorities and police forces to minimise congestion and delays caused by collisions and other incidents on the highway",

but should he not also have included reference to circumstances where delays are caused by deliberate policies, such as the policy of the disastrous former Mayor of London, Ken Livingstone?

Mr. Chope: My right hon. Friend makes a point that could be dealt with in a separate Bill. I am grateful to him for supporting my Bill on the basis of its long title. If it gets into Committee, there will be every opportunity, within the scope of the long title, to deal with some of his concerns.

Let me explain briefly what the Bill is designed to achieve. It will

"Place a duty on highway authorities and police forces to minimise congestion and delays caused by collisions and other incidents on the highway".

It will do so by changing the duties of local traffic authorities under the Traffic Management Act 2004 to include a requirement on the network management organisation to minimise

"congestion on the authority's road network",

to take

"action to remove expeditiously obstructions caused by collisions"

and to establish

"contingency plans to ensure that traffic is directed to alternative routes when roads are temporarily closed or obstructed".

Clause 1(4) also requires information to be provided. It stipulates that

"a local traffic authority should publish, on an annual basis, information regarding closures or partial closures of roads in excess of a specified duration, including details of...the duration and cause, and...the action taken to minimise the duration of such closures."

Hon. Members will be aware that recent years have seen an increasing number of total closures of motorways, trunk roads and other highways by the authorities following collisions and other incidents. The duration of those closures has increased significantly. I have tabled written parliamentary questions, the responses to which have been depressing reading for the travelling public.

Clause 2 places a duty on police authorities "to minimise congestion" by requiring such an authority to

"include in its local policing plan a requirement that, in attending collisions and other incidents on roads, the police should, so far as is reasonably practicable, minimise any congestion and delay for road users and, in particular, only close a road as a last resort and for as short a period as possible."

If anyone is in any doubt about the relevance and topicality of the Bill, perhaps they will change their mind when they hear about an incident in my constituency reported on the Transport Direct website this morning. In the "Live travel news" section, which I last checked at 9.38 am during a Division, there were severe delays on the A31 eastbound at Ringwood road because the road was closed between Ashley Heath junction and the M27 Butchers Bush junction for accident investigation work. That closure began at 5.24 am, and it was still in force at 9.38 am, when the rush hour was over. I am delighted to see that the Under-Secretary of State for Transport, the hon. Member for Poplar and Canning Town (Jim Fitzpatrick) seems to be expressing surprise and dismay that such a thing has happened. Let me tell him that that is just one incident today in my constituency. I do not know whether it has yet been resolved. The delay was not due to the accident itself, but to accident investigation work. Surely there must be a better way of dealing with accident investigation work than closing important arteries and forcing the travelling public to take alternative routes.

Mr. Knight: I wholeheartedly agree with my hon. Friend, but does he not accept that one has to acknowledge that when there is a fatality, a highway will often have to be closed to enable the police to collate evidence? We should be considering ways of speeding up that process.

Mr. Chope: Absolutely; I agree with my right hon. Friend. Indeed, the Highways Agency is talking about doing just that. I have with me its latest annual report, published last July. I imagine that the next one will be published next month. There are paragraphs on journey reliability, an important objective for the Highways Agency; perhaps the Minister can talk to us about that later. The report contains a statement about the agency

"putting additional measures in place to tackle unreliable journeys, including...trials of collision investigation equipment to speed up accident investigations".

I do not know whether one of those trials was taking place on the A31 this morning; I hope not. The travelling public in my constituency would probably have been much better off if such investigation equipment had been available this morning to prevent those unwarranted delays.

A scan of my local newspapers shows that the A338, which goes from the Ashley Heath roundabout to Bournemouth through my constituency, has been blocked completely on several occasions in recent months, not just for 10 minutes or half an hour, but for hours at a time. Traffic has been blocked solid on that road because there is no way of moving off it. In those situations, there is a strong case for the highways authorities providing alternative routes. That may mean opening up emergency exit areas that might normally be accessed by the police and emergency services only. On the A338, that would make it possible for some of the traffic to go elsewhere. Otherwise, if traffic builds up—often there are many miles of delays—the frustration for the travelling public, the cost to the Exchequer and other problems are disproportionate.

Let me offer a press report as an example. It stated that a crash had caused 10-mile delays on the M6, and that Lancashire police had said that a Land Rover Freelander had overturned between junctions 34 at Lancaster and 35 at Carnforth, spilling fuel on to two lanes. That was not, therefore, a fatal accident; instead, a relatively modest-sized vehicle—a Land Rover Freelander, not a great lorry carrying fuel—had, as a result of an accident, spilled fuel on to two lanes of the carriageway, and those lanes were then closed and the result was delays of 10 miles. Three lanes of 10-mile delays is equivalent to 30 miles of queuing traffic, and that was caused by a Land Rover Freelander with a split in its—diesel, I imagine—tank. That is a disproportionate consequence of such an incident. We must be able to find a better way, through the police and the highway authorities, to prevent the travelling public from being inconvenienced to such an extent.

The climate in terms of such incidents has changed so much over recent years that motorists almost feel that the authorities are trying to penalise the motoring public for the actions of fellow drivers that result in collisions—or, as they are now increasingly called, incidents. Why should people be penalised in this way? Last year marked the centenary of the scouts, and I remember that I was due to go to an event west from my constituency in Dorset, but the entire road network for tens of miles was completely clogged up because of an accident. It seems that the level of priority that the police, the Highways Agency and the highways authorities give to clearing such accidents and removing the debris is not as great as it should be.

I received some comfort from looking at a couple of the route management strategies that are being established. The A2/M2 and A249 route management strategy—drawn up, I think, jointly by Babtie Group Ltd, now Jacobs, and the HA—puts near the top of the strategy matters such as delay minimisation, provision of real-time information, installation of electronic signing, improved performance in respect of accident clearance and provision of emergency access between junctions 5 and 6 of that motorway. It makes it clear that there should be an objective of reducing not only the number of accidents, but the impact of the delays caused by those accidents.

However, the statistics in the HA annual report reveal a sad story in respect of the target of increasing journey reliability—of improving reliability to ensure that average

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vehicle delay on the 10 per cent. slowest journeys is less in 2007-08 than in the baseline period of August 2004 to July 2005. Monitoring up to the end of March 2007 showed a slippage of about 8.7 per cent. against the target—in other words, things were going in the wrong direction. The HA report states that that

"appears to be related to a higher impact of traffic growth than originally anticipated."

I do not think that that is good enough, and I do not think the HA thinks it is good enough either. My Bill would make it clear to the HA and the police authorities that they would have a statutory duty to act in this respect, rather than just using such good endeavours as they might think appropriate at any particular time.

Policing and traffic management are, as in so many other walks of life, issues of priority: to what extent should priority be given to a particular activity? On too many occasions, the police and the highways authority do not give sufficient priority to clearing the roads and allowing free-flowing traffic.

Mr. Knight: My hon. Friend is being very generous in giving way again. He referred to his wish to put a statutory duty on highways authorities and the police to ensure that congestion is dealt with as soon as possible, but his Bill is silent on this point. Should his Bill become law, what would happen if a highway authority was clearly in flagrant breach of that duty? Would a motorist stranded in a traffic jam that was totally avoidable be able to sue the highways authority for compensation, particularly if they were a business man who had suffered losses due to missing an important meeting?

Mr. Chope: As a solicitor learned in the law, my right hon. Friend knows that it is possible to sue in civil law for breach of a statutory duty. If we put a statutory duty in this legislation, anybody who alleges that there has been a breach of it resulting in a loss to them would, prima facie, have a course of action. That, in itself, would be a deterrent to highway and police authorities not complying with this duty. Unlike the Bill in the previous debate, where all the emphasis seemed to be put on penalties—even to the extent of imprisonment and high fines—this Bill creates a framework that would encourage people to proceed on the basis of common sense, and to make sure that they were acting in the best interests of the motoring public.

Because we do not have that much time, I will conclude by referring briefly to a pamphlet published under the Conservative Way Forward imprint—an organisation of which I have the privilege of being chairman. The pamphlet was written by Malcolm Heymer, a retired former principal transportation engineer in the London borough of Havering. He takes a great interest in what is happening on our roads and has produced an effective blueprint. I hope that our Front-Bench spokesman, my hon. Friend the Member for Rochford and Southend, East (James Duddridge), is taking this forward as part of Conservative manifesto planning for the next general election. In that document, Malcolm Heymer refers to dealing with accidents:

"Severe disruption can occur when roads, especially trunk roads and motorways, are closed for long periods following accidents. As well as the costs resulting from these delays, traffic diverting to other, less safe routes can lead to additional accidents occurring elsewhere."

Recognising the point that my right hon. Friend made earlier, he says:

"Some disruption is inevitable during rescue operations and the removal of vehicles, and the safety of emergency services' personnel at the scene must be paramount. Once the location has been made safe, however, traffic must be allowed to flow as soon as possible and traffic managers should ensure that this happens. Extended closures or restrictions while the police gather evidence...must be curtailed."

Some of the delays that have occurred in and around my constituency, to which I referred earlier, have arisen because the police chose not to deploy resources at the scene in time and, in a sense, made the motoring public sweat it out, often in very unpleasant conditions and circumstances.

Malcolm Heymer says that in his view, there should be the possibility of

"imposing financial penalties on highway authorities"

if roads remain closed for too long. I am not sure that I would go along with that, because that is imposing a financial penalty on a body that should already be complying with a requirement to look after its customers. What would happen? That would just deprive the Highways Agency of money. That is one of the ironies of trying to impose financial penalties on tax-funded organisations. If the highway authority or the police authority fails in its duties, heads should roll, as the saying goes. That could be done through public naming and shaming, and the use of accountability, which would be facilitated by ensuring that information on the causes of those delays was made available, as it would have to be under clause 1.

Mr. Knight: In fairness to the Government, could they not argue that they have thought of a way of dealing with congestion—national road user charging? Of course, that involves taxing the motorist, but that is not surprising coming from this high-taxing Government. If one examines that policy, one finds that it could have a beneficial effect on congestion if the road charge was nil at non-rush hour periods. Has my hon. Friend thought whether he would entertain that provision in his war on congestion?

Mr. Chope: Is my right hon. Friend suggesting that there should be a nil road charge at times of congestion—

Mr. Knight: The other way round.

Mr. Chope: I am glad about that. I must have misunderstood what my right hon. Friend was saying. So, a penalty would be incurred by the authority that would otherwise be receiving income from road charging in the event of there being congestion.

Mr. Knight: No, I was making the point that under the Government's scheme the motorist would be the one who would have to pay a fee. If the Government introduced a scheme whereby the fee was nil during non-rush hour periods, would that not have a similar effect of reducing congestion, while not involving the fining of highway authorities?

Mr. Chope: I am not so sure that that would necessarily fall under the long title of my Bill.

Paul Rowen (Rochdale) (LD): On that particular issue, the Government have just authorised Greater Manchester passenger transport authority to introduce a congestion charge that operates only at peak times—

Madam Deputy Speaker (Sylvia Heal): Order. That is straying rather wide of the Bill.

Mr. Chope: The Bill's long title gives plenty of scope for it to be amended in Committee, for its terms to have more precision and perhaps for it to include references to incentives or disincentives that might be available to any authority that had introduced so-called congestion or user charging. If one wanted to cite an example of an existing situation, one might choose the toll bridge on the M25. Under the terms of my Bill, it would be reasonably practicable for the highway authority to allow the traffic to flow through the toll booths without the need for payments to be made in order to deal with congestion. As a result, the highway authority might lose some income, but such an approach would ensure that the traffic would keep flowing. That could be done by working with the grain of the recommendations in clause 2.

Mr. David Heathcoat-Amory (Wells) (Con): On a point of order, Madam Deputy Speaker. I apologise to my hon. Friend for interrupting, but I have a point of order to make. The Irish people have turned down the treaty of Lisbon. You will know that there is a Bill before the House to ratify that treaty, and it cannot now come into effect by treaty law, which is unfortunately superior to the law of this House. Is it in order—is it within the vires of this House—to proceed with legislation that, by treaty law, cannot come into effect? If the answer to that is no, have you had an intimation from a Minister that they will come to this House to explain when they will withdraw the ratification Bill?

Madam Deputy Speaker: I have not had any such indication from a Minister, but of course the legislation to which the right hon. Gentleman refers is currently before the other place. Further, the points he raises are points of law, rather than points of order for this House.

Mr. Chope: Having just heard that news, may I say what a fantastic result that is, and I am sure that my constituents will be delighted—

Madam Deputy Speaker: Order. The hon. Gentleman has a Bill before the House, and it is clearly to do with minimising congestion and delays caused by collisions and other incidents on the highway. It does not go wider than that.

Mr. Chope: Absolutely, Madam Deputy Speaker. All I wonder is whether I made the right decision earlier in relation to my other Bill. I shall not pursue that topic. I welcome my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) to his place, and assure him that what we are discussing at the moment is also of great significance to our constituents. I had to make a hard call as to which Bill should take priority today, and I decided that the Road Traffic (Congestion Reduction) Bill was more important than the other Bill, because at the time I did not have access to the news wires—

Madam Deputy Speaker: Order. The hon. Gentleman is a very experienced Member and I am sure that he knows full well that he must now concentrate his remarks on his Bill—of his choice—which is now before us.

Mr. Chope: I wholly understand your ruling, Madam Deputy Speaker. For example, those of us who remember where we were when President Kennedy was assassinated will remember—

Madam Deputy Speaker: Order. That may well be the case, but it is not to be repeated here now.

Mr. Chope: Thank you, Madam Deputy Speaker.

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): May I say on behalf of the Department for Transport that we are delighted by the choice that the hon. Gentleman has made this morning. We are always grateful for the opportunity to subject the Government's transport record to the scrutiny of this House, so we welcome his choice.

Mr. Chope: I am delighted to have the support of the Minister on this matter. As a former Transport Minister myself, transport has always been a top priority for me, and that is reflected in my decision today.

Jim Fitzpatrick: I do not wish to mislead the hon. Gentleman. I said that we welcome the opportunity to debate this matter with him, not that we were supporting his Bill.

Mr. Chope: I had not imagined that the Minister would support the Bill. I understood that he was supporting my decision to give the Bill an airing today. I hope that his support will translate into allowing the Bill into Committee so that it can be debated in more detail. If the Department has any problems with the contents of the Bill, they could be ironed out in Committee.

The Bill is timely and worth while, if for no other reason than it gives me the opportunity to say on behalf of my constituents that what has happened on the A31 Ringwood road today is unacceptable and intolerable. The only way to prevent further such incidents—

Mr. Knight: Does my hon. Friend accept that if his Bill became law it might be necessary for the House to revisit some decisions in the light of evidence presented to us in the reports from the highway authority and the police? For example, it might be necessary to have a national review of speed limits or of traffic-calming policies, which sometimes appear to play a part in causing congestion.

Mr. Chope: I am sure that my right hon. Friend is correct. However, my thinking was that we should try to make private Members' Bills relatively tightly confined as they then have a greater chance of getting on to the statute book. My right hon. Friend seems to have more in mind a 100-clause transport Bill. I would be delighted to work with him to draft such a Bill, which we could bring in as soon as we get into government. However, in the context of recognising the limitations of the private

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Member's Bill procedure and its vulnerability to the Government and the Executive, that would probably mean going a bit wider than I would have thought reasonable in the circumstances.

1.50 pm

Mr. Greg Knight (East Yorkshire) (Con): I start by congratulating my hon. Friend on his success on achieving at least some debating time today, even if the Bill does not proceed any further. I am listed as one of the sponsors of the Bill, although I played no part in the drafting of it, but my only criticism, which is minor, is that I do not think that it is drawn widely enough. The title to the Bill states that it is:

"To place a duty on highway authorities and police forces to minimise congestion and delays caused by collisions and other incidents on the highway".

Had I been drafting the Bill, I would have worded it, "to minimise congestion and delays caused on the highway for whatever reason". Why should we only tackle congestion when it is the result of collisions and other incidents? Why should we not consider the whole matter of why our roads are congested at times and what we can do about that? If the Minister is not going to support the Bill, I hope that he will lay before the House a list of measures that he is considering to reduce congestion that will, in turn, show why the Bill is not necessary. It seems to me that far more could and should be done to improve traffic flows.

On the subject of congestion, if my parliamentary duties permit me to do so, I intend later today to visit Marlborough in Wiltshire, where there will be an international weekend for the Jensen Owners Club. It might be that there will be congestion in the vicinity of Marlborough as Jensen motor cars, built in West Bromwich but from all over the world, descend on Alexandra house for their international weekend—I hope that that helps the House.

I hope that the Minister will tell us, if he will not support the Bill, what he intends to bring forward to help to reduce congestion. As my hon. Friend the Member for Christchurch (Mr. Chope) has pointed out, the present situation is far from satisfactory. I am constantly frustrated and annoyed when I drive away from this place in non-rush hour periods to my address, which is 1.3 miles away, to be stopped several times at traffic lights for absolutely no vehicles or no pedestrians seeking to cross. I then find myself in a queue with half a dozen or so other motorists on a main road being stopped for no purpose at all at traffic lights that deal with a minor road. In the spirit of the Bill, I ask the Minister why we cannot have a system operating in the UK like that in America where, in non-rush hour periods, certain traffic lights flash amber in all directions. In effect, that says to motorists, "Cross this junction with care, but you don't have to stop if there are no other vehicles or pedestrians in the vicinity".

I hope that the Minister will tell us, if he is not supporting the Bill, what further measures the Government will take to give motorists adequate long-distance warning. There is nothing more frustrating than being on a motorway, passing an exit that could have been used as a detour and finding suddenly that the motorway is closed and that the gantry warning signs, which could have warned motorists of the congestion and closure, had not been switched on to relay that information to motorists earlier on in their journey. It does seem sometimes that there is no joined-up thinking between different regions of the Highways Agency. I hope that the Bill will tackle that issue, if the Minister is not able to say that he is already considering such measures.

Another way of minimising congestion, which I am sure my hon. Friend the Member for Christchurch has in mind, is the device in America that allows drivers to turn left on a red traffic light, if it is clear to do so.

The Government started trials with flexible speed limits, but only flexible speed limits in a downward direction. Why is the Minister not being bold? Why does he not announce a policy whereby, when the roads are dry and the weather is fine, we could have a flexible limit in an upward direction on motorways, perhaps to 80 mph to bring us in line with France and some motorways in Germany?

I give some praise to the Minister for supporting a policy of hard shoulder running. I have long thought that we should introduce such a policy to alleviate congestion, particularly now that we have gantries at regular intervals, so that if a car broke down and was forced to move over to the hard shoulder when that hard shoulder was in use for vehicle running, the gantries some miles before could warn motorists to return to the main carriageway of the highway. I hope we will see hard shoulder running introduced fairly soon.

One idea which I am amazed has not been taken up across the UK is contraflow or counterflow lanes. The Department has a phrase for it which I have forgotten, but Aston way in Birmingham uses it.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Tidal flow.

Mr. Knight: I am obliged to my hon. Friend. The tidal flow mechanism works well in Birmingham, and in Lincoln—the constituency of a former Transport Minister. Why are we not encouraging highway authorities to roll out tidal flow systems in many other towns?

For the benefit of my hon. Friend the Member for Christchurch, we are talking about a series of lanes of traffic without a central reservation, which allow, for example, four lanes inward to a city in the early-morning rush hour and only two coming the other way, with a reversed flow in the evening, so that when the majority of the traffic wishes to leave a city centre, four lanes can be outward and only two inward. The tidal flow is announced by lights above each lane. As far as I know, there is not an unacceptable risk to motorists' safety by using that system, because it tends to be used on roads where the speed limit is 40 or 50 mph and not 70 mph. One might have difficulty in introducing such a scheme on a motorway because one would need to remove the central reservation. But certainly on roads where the running limit is lower than motorway speeds, it seems to me that we should be making far greater use of tidal flow systems.

Sharing information is another thing that the Department for Transport has not yet grasped. If the Minister is not prepared to say that he is considering it, I hope that we might get a chance to debate it if the Bill goes into Committee. It seems to me that congestion should take

no one by surprise. I suspect that 90 per cent. of motorists have in their car a mobile telephone that is switched on, or are accompanied by a passenger who has a mobile phone that is switched on. The mobile phone companies will know the whereabouts of that phone because of the signal it emits, so the telephone companies must have knowledge of where congestion is likely to occur because they will know where the vehicles are. If suddenly on their screens it appears that a lot of their customers are near Hemel Hempstead in the vicinity of the M1, it should be possible for the Highways Agency to use that information to flag up to motorists who are heading towards that congested area the message, "Avoid. There is heavy congestion". I wonder whether the Minister or his Department have been in discussion with any telephone company about using that information better to inform the Highways Agency, the police and thereby motorists of such congestion.

I hope my hon. Friend's Bill will also cover 24-hour bus lanes. I have never understood why we permit 24-hour bus lanes when we do not have 24-hour buses. That road space is therefore denied to other road users for public transport that is not running. Once the bus service of a district ceases on a certain day, unless a contraflow lane is involved, the bus lane should be turned over to general use. That could be done easily without the Bill; the Minister could issue guidance on that matter.

Mr. Chope: Is my right hon. Friend aware of the recommendation made by Mr. Heymer in the pamphlet, "Stop the war against drivers" that all existing bus lanes should be reviewed to determine whether they add to the passenger carrying capacity of the network, that those that do not should be removed or their hours of operation reduced and that all new bus lane proposals should be assessed on the same basis?

Mr. Knight: I was not aware of that. My hon. Friend very kindly gave me the booklet by Mr. Heymer a few moments ago, and the more that I read what he has to say, the more that I like him. I do not know what the booklet costs. I see on the back that the price is £12.99. If my hon. Friend is feeling in a generous mood and is willing to—

Madam Deputy Speaker: Order. We are here not to advertise any booklet, but to discuss the Bill.

Mr. Knight: Thank you, Madam Deputy Speaker. I was seeking not to advertise the booklet, but to encourage my hon. Friend to send a free one to the Minister. I hope that he will do so, because the Minister may be better informed after he has read the booklet than his policy appears to indicate.

Another developing problem is the Government's desire for 20 mph speed limits, particularly near schools. I have no difficulty with that because, for safety reasons, it could be argued that cars should slow down to 20 mph in the vicinity of schools. That is quite reasonable, but only when schools are in use. I have discovered a flaw in that policy: I understand that, unless the local authority erects electronic flashing signs, the 20 mph must be enforced permanently. I hope that my hon. Friend will agree that, if the Bill proceeded further, that might be an amendment—

Madam Deputy Speaker: Order. I am sure that the right hon. Gentleman wishes to be helpful to his hon. Friend, but I remind him once again that the Bill is about minimising congestion and delays caused by collisions, not by speed limits.

Mr. Knight: Of course, I would never dream of challenging what you say, Madam Deputy Speaker, but the Bill says,

"by collisions and other incidents"

and I suppose that the existence of a speed limit might be construed as an incident, but I will move on. The Minister should consider the point that I have made.

In introducing the Bill, my hon. Friend mentioned in answer to an intervention from me—he was quite right that I was aware of the point when I made it, but I wanted him to confirm it for the benefit of other hon. Members—that the Bill would place a statutory duty on the police and highway authorities. Therefore, if the Bill became law and those authorities failed to take action to reduce congestion, they could well be the subject of claims from motorists. Although one does not want a highway authority to have most of its resources dissipated by paying fines, congestion on our roads currently costs British industry billions of pounds. If a haulier or other business man loses a contract because he is delayed by sitting in a congested area of highway, when that could be easily avoided, it seems not particularly unfair that someone else should pay the bill, especially if they have neglected to discharge their statutory duty.

My hon. Friend did not mention this, but another reason for minimising congestion is pollution. Vehicles sitting on a congested stretch of road with their engines running do nothing to enhance air quality. Heathrow's problem with air pollution at some times of day is largely due to congestion on the M4 rather than flights taking off or landing.

My hon. Friend the Member for Christchurch has done the House a service. I hope that, on reflection, the Minister will support the Bill, and that if he does not support it, he will announce other congestion-busting measures in the light of the concern that has been expressed.

2.5 pm

Mr. Robert Goodwill (Scarborough and Whitby) (Con): This is a good opportunity to explore some of the issues surrounding the Bill. I congratulate my hon. Friend the Member for Christchurch (Mr. Chope), who, as a former Transport Minister, possibly knows more about the subject than I do. It is a subject that cuts across Departments, including the Home Office. Matters such as policing, justice, and prosecution will need to be discussed in a cross-departmental way if we are to find a solution to the problem of congestion.

The United Kingdom is in the premier league when it comes to motor accidents; we have one of the best records in the European Union. Nevertheless, more than 3,000 people are killed on our roads each year—seven or eight a day. The problem is caused by three specific groups: those who persistently drink and drive, the young, and those who continually speed.

The motorways are our safest roads. According to figures adjusted for traffic volume, 13 of the 20 safest roads in the UK are motorways, despite the speeds at

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which people travel on them. Some of our rural A roads are dozens of times more dangerous, particularly single-carriageway roads on which motorists are often tempted to overtake slow-moving lorries and, as a result, are involved in one of the worst types of accident: head-on collisions.

As I am sure the Minister knows, my party's policy is to increase the speed limit for large goods vehicles on some A roads from 40 to 50 mph, in an attempt to avoid the frustration that sometimes causes motorists to overtake in dangerous places. I have yet to meet a police officer who does not agree with me that that would be a major step towards improving safety on our roads. In fact, many lorries on A roads—I saw one the other day, a Sainsbury's lorry—carry apologies on the back, explaining to motorists that they must travel at 40 mph because of the national speed limit.

The worst road in the United Kingdom is the A889, which wends its way through the Scottish highlands. It has 14 times the average accident rate of other roads in the country. We must bear in mind—this is particularly relevant to the Bill—that when we close a motorway or major route because of what has to be called an incident, we are diverting traffic on to more dangerous roads. When there are accidents on those other roads it is less of a problem, because vast volumes of traffic are not diverted.

When accidents occur on roads, particularly fatal accidents, the emergency services have three vital roles. First, they must clear away debris and the vehicles involved in the accident. A major problem is fuel spillage. My hon. Friend mentioned a Land Rover Discovery. It is particularly difficult to remove diesel from the carriageway, and anyone who has ridden a motorcycle—as I used to in my younger days—will know that diesel and water on a road constitute probably the most dangerous cocktail that can be encountered.

Secondly, the emergency services need to carry out barrier repairs if the central reservation has been damaged. I know that the Government are convinced of the argument for replacing steel barriers with concrete barriers. They are not only much more effective at preventing crossover accidents, but do not need the repairs that one reads about—sometimes 200 m or 300 m of central barrier has been damaged by a crossover accident. Does the Minister have any plans to step up the speed at which those steel barriers can be replaced with concrete? The case is compelling, and the only restraint is financial.

The third role of the emergency services is the police investigation, which is where the greatest streamlining potential exists. Yesterday evening I had the opportunity to read the Association of Chief Police Officers road deaths investigation manual. I was going to print it off and bring it with me, but it extends to 110 pages, so I thought it would be environmentally unfriendly to do so. In effect, the manual likens the investigation following an accident to a murder investigation. It says that one should never assume that it is just an accident and that it could be a case of motor manslaughter or even of suicide. That is why we see fingertip searches of motorways, the collection of statements and all the technical work that must be done following an accident, meaning that the motorways are often closed for a protracted period.

There have been some technological advances. We now have laser theodolites, which means that the investigating officers can use remote control to take the necessary measurements following an accident and that the information can be downloaded to a computer when they get back to the office. The manual makes it very clear that once traffic starts using the road again, the scene is compromised. The police, when carrying out any investigation, whether criminal or following a road incident, must bear in mind three important points. First, is their action illegal? Secondly, is it proportionate? And thirdly, is it necessary? On the second point, the police are sometimes a little disproportionate because of the pressure brought to bear on them from other directions, such as the legal side rather than the traffic management side. Of course, the police will always err on the side of caution, given that defence barristers—should a prosecution ensue—may try to make out that the police were incompetent or lazy in not carrying out the fullest of investigations.

One problem is that the decision to open the road is made by the senior investigating officer on the ground, and he is not always aware of the wider picture, such as the congestion further afield. The police also do not look at the likelihood of securing a prosecution; in every case, the evidence is collected in a detailed way no matter what.

A while ago, there was an incident in my constituency during the Oliver's mount road races, which take place on what is normally a public road. Following an unfortunate fatal accident, the police officer in charge intended to close the entire race meeting for the day. Fortunately, good sense prevailed and the argument was made that, because the competitors were racing under Auto-Cycle Union rules, such action was unnecessary. Unfortunately, when there is a fatality, all too often the default position is to close the road—and to do so for a long time. There is a knock-on effect: if the A1 is closed in Lincolnshire, for example, a lot of traffic goes on to the A15 through Lincoln; and if the A1 is closed in north Yorkshire, the traffic all goes through Selby. They are dangerous roads with many pedestrians, and the knock-on effects and potential hazards to people are not borne in mind.

There may be a case for looking at whether the decision should be removed to one stage higher, so that the duty superintendent or chief superintendent with force command considers when to open the road. *The Northern Echo*, reporting a case in October 2005, said:

"A fatal road accident closed a motorway for 16 hours yesterday causing chaos for motorists.

One man was"—

sadly—

"declared dead at the scene of the multi-vehicle pile-up on the A1(M) northbound, just north of Wetherby, in West Yorkshire."

It continued:

"the spokesman for North Yorkshire police, said: 'Pictures, measurements and large amounts of technical detail have been taken down. Statements will be taken from witnesses and all this information will be pulled together to make a picture of what happened. It's going to be a very hard job—made all the more difficult because this is one of the region's main highways.'

The northbound carriageway remained closed until about 2.40pm yesterday".

It noted that many serious tailbacks occurred for many miles and that motorists were criticised for ignoring diversions and finding other routes around the accident

through villages and small roads. I guess that with the advent of satellite navigation motorists are keener to try to explore alternative routes. It went on to say that there were reports of delays and congestion on the A64 and the A59 and heavy traffic around Thirsk and Northallerton. The knock-on effects of closing a motorway are very serious and have an impact on road safety in local communities.

I should like to pull out a couple of points from the ACPO manual, which sometimes puts the police in a straitjacket and does not allow them any real degree of discretion in the way that they investigate such crimes—if they are crimes. It says:

"Managing the potential for contamination should be a priority for all fatal collision investigations".

It goes on:

"Although the closure of roads is likely to cause disruption the Senior Investigating Officer should withstand pressure from others to release the scene (eg reopen roads) prematurely. The investigation should in all cases take precedence over the need to reopen roads."

In every case where there is fatality or serious injury, the police go to the extent of investigating and collecting evidence as prescribed in the manual. Can the Minister tell us in what proportion of fatal accidents the motorist is deemed to be at fault, resulting in a prosecution?

What analysis has been made of the risk involved in closing motorways for protracted periods? Following the Hatfield rail disaster, where cracked rails caused a serious rail crash, as a precaution the railway authorities—I am sure that the Department for Transport was involved—closed down most of the inter-city rail network for a period and then reopened certain sections, as they could, and imposed speed limits. A risk assessment would have been made of the likelihood of another rail crash, but none was made of the tens of thousands of additional car journeys that occurred because of the closure of the rail network. The problem, from a purely political point of view, was that if another rail crash had occurred the Minister or his Secretary of State would have been blamed, but there was no one to blame for the dozens of road accidents that were a direct result of that closure.

I hope that the Minister will have time to answer those points and that the Bill will be allowed to proceed into Committee, where there would be a tremendous opportunity to improve it and to consider some of the wider aspects described by my right hon. and hon. Friends.

2.18 pm

Paul Rowen (Rochdale) (LD): I congratulate the hon. Member for Christchurch (Mr. Chope) on promoting the Bill. We do not often get to hear about Conservative transport policy, so it is great to see that it exists in some small measure, even if it deals only with what happens in respect of congestion caused by collisions.

I support the provisions in the Bill. I support the arrangements for which the two substantive clauses provide. Clause 1 makes it a local authority's responsibility to have arrangements in place to minimise disruption when collisions occur. Clause 2 amends the Police Act 1996 so that police authorities include in their policing plan a requirement that, when the police attend road accidents, they take action to minimise congestion and delay

"so far as is reasonably practicable".

I want to highlight the difference between the arrangements for British Transport police when they deal with an incident on the railway and those for police who deal with road incidents. Unless the incident is major, British Transport police must clear the line in half an hour. If someone commits suicide by jumping on the rails, the police will do their work and, in half an hour—assuming there is no further danger of an accident—the body will be removed and the network will be up and running again. It is a stringent requirement, which means that British Transport police must get their act together to deal with the accident. The hon. Member for Scarborough and Whitby (Mr. Goodwill) read out extracts from the rule book for police, which needs reconsidering because it approaches matters from the opposite angle. Of course, accidents and collisions must be properly reported and tackled, but we also have a duty to ensure that the road network works and that people can go about their business expeditiously.

Mr. Chope: I thank the hon. Gentleman for his support. He has just made an important point and I am grateful to him for raising it.

Paul Rowen: I thank the hon. Gentleman for that. I hope that the Under-Secretary will respond favourably to the Bill. Like the previous measure that we discussed, it does not require massive changes and investment. However, it could ensure that the road network moves more speedily.

2.21 pm

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): I congratulate the hon. Member for Christchurch (Mr. Chope) on deciding to tackle the issue of traffic congestion. I congratulate the hon. Member for Scarborough and Whitby (Mr. Goodwill) on his choice of tie today. It is one of those days when all Whips and former Whips are reaching for their comfort zones—and I do not think I need to say more than that.

I shall try to respond to the reasonable and good points that have been made, and I apologise if I do not deal with them all. I shall outline our principal objections—I was open with the hon. Member for Christchurch in saying that we do not support the Bill. If I have time, I shall discuss some of the reasons behind our principal objections, but I suspect that we will not have time to go into detail about the fuller reasons for our objections.

We are considering a Bill to:

"Place a duty on highway authorities and police forces to minimise congestion and delays caused by collisions and other incidents on the highway; and for connected purposes."

The Government oppose it on the ground that, by and large, the arrangements are already in place. The Traffic Management Act 2004 already places a statutory duty—the network management duty—on local traffic authorities. It sets out the network management duty as follows:

"It is the duty of a local traffic authority to manage their road network with a view to achieving, so far as may be reasonably practicable, having regard to their other obligations, policies and objectives, the following objectives:

a) securing the expeditious movement of traffic on the authority's road network; and

b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority."

[Jim Fitzpatrick]

The Bill raises four key points. First, it would mean that the primary objective of the network management duty be changed from

"ensuring the expeditious movement of traffic"

to "minimising congestion." The Government disagree. Securing the expeditious movement of traffic encompasses the idea of minimising congestion and is much more readily understood.

Secondly, the Bill would introduce a requirement for contingency planning. The network management duty already requires that action, among many others. Thirdly, the Bill would provide that local traffic authorities should be required to publish details of every full or partial road closure annually. The value of that retrospective information is not clear. For example, who would read it? In our view, that duty would place an unnecessary burden on authorities.

Lastly, the hon. Gentleman proposes to place a duty on the police. It is the police's view that imposing such a duty on them would increase the danger to those affected by incidents and compromise both investigations and any later road safety gains made from identification of causes. The hon. Gentleman proposes to amend section 8 of the Police Act 1996. As far as I am aware, however, section 8 has been repealed by the Police and Justice Act 2006, with effect from 14 March. We issued guidance on the network management duty in November 2004, which came into force in January 2005.

Since 1980, vehicle use has risen by more than 86 per cent. Today, the UK's roads carry more than 28 million cars, 1 million motorcycles and 100,000 public transport vehicles. Inevitably, that places a burden on the road network that the Government have been diligent in addressing, with a great deal of investment and a host of creative ideas aimed at enhancing the efficiency of our road network. Of course there is always more that we can do. The Government are open to any initiatives that will enable us to deliver a better performing road network in the future. However, we must unfortunately oppose the hon. Gentleman's Bill, primarily because his suggested provisions are, by and large, already in effect, as I have said.

The Government have long recognised that minimising delays should be a priority, in order to encourage smoother traffic flows, more reliable journey times and greater competitiveness. Incidents such as collisions account for about 25 per cent. of all delays on our strategic roads and represent an obvious safety risk to road users, as well as causing congestion on the network.

Mr. Greg Knight: I am grateful to the Minister for giving way. In the small amount of time remaining, will he say something about conveying information to motorists sooner, so that those who have the opportunity to do so can avoid congested areas?

Jim Fitzpatrick: There are remarks later in my speech that relate to that point. However, it would probably be better for me to extract them and send the right hon. Gentleman a note about what we are trying to do on communications. To take those remarks out of context now, when I am trying to set out our principal points of objection in the brief period left, would rob me of the chance to do even that, which is not fair to the hon. Member for Christchurch.

Mr. Chope: I recognise that there is not much time available, but can the Minister comment on what happened on the A31 this morning and on whether he finds it acceptable? Does it not show that his rhetoric is inconsistent with the reality?

Jim Fitzpatrick: I suspect that I should apologise. Had I prepared better for this debate, I would have checked the A31 traffic flows before coming into the Chamber, knowing that the hon. Gentleman would raise them, and would now be able to respond to him. I apologise that I cannot do that, although he has raised the point. It would be inappropriate of me not to at least drop him a line about the reasons behind that congestion and thereby either reassure him or confirm his worst fears.

Making the best use of our current road network is important for both economic vitality and society in general. That is why we included a statutory duty on local authorities to manage the road network, with the aim of achieving free-flowing traffic on that network, in the Traffic Management Act 2004. The Bill proposes to change the primary objective of the network management duty. Instead of

"securing the expeditious movement of traffic on the authority's road network",

the Bill proposes that the first objective should be

"minimising congestion on the authority's road network".

The Government believe that securing the expeditious movement of traffic on the network is a far more meaningful objective than "minimising congestion". Congestion means different things to different people—stop-start conditions, a journey time that they cannot rely on, time spent queuing and so on—but the idea of securing the expeditious movement of traffic naturally encompasses actions to minimise congestion, whether it be caused by unforeseen incidents or collisions, works in the street or other planned events.

We issued guidance on the network duty in November 2004, which came into force in January 2005. Local authorities already work with the police to ensure that incidents are dealt with in the most timely manner possible, although I have heard the points raised by various hon. Members this afternoon. Contingency planning for planned or unplanned events forms part and parcel of the duty placed on local authorities, so it is hard to see how this proposal could do any more to benefit the travelling public than the systems and duties that we already have in place.

What is clear is that roads facilitate the transport of people and goods and provide access to home, businesses, social services and other destinations where people meet to shop, socialise and relax. It is also clear

Madam Deputy Speaker: Order.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 20 June.

Remaining Private Members' Bills

LEASEHOLD REFORM BILL

Order read for resuming adjourned debate on Question [22 February], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 20 June.

LAND USE (GARDEN PROTECTION) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 17 October.

CITIZENS' CONVENTION BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 20 June.

FIXED TERM PARLIAMENTS BILL

Order read for resuming adjourned debate on Question [16 May], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 20 June.

DRUGS (ROADSIDE TESTING) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 20 June.

DRUGS (RECLASSIFICATION) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 20 June.

Heathrow Airport

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Michael Foster.]*

2.32 pm

Mr. John Randall (Uxbridge) (Con): I am grateful for the opportunity to continue to raise a subject that is dear to many of my constituents' hearts and, indeed, to those of many others, not just in the vicinity of Heathrow, who are concerned about the inexorable rise in aviation.

In stark contrast to the Chamber this Friday afternoon, on Saturday 31 May, just under two weeks ago, thousands of people assembled in Sipson, just outside my constituency and that of the hon. Member for Hayes and Harlington (John McDonnell). The event was attended by many different people, including Members of Parliament such as the hon. Member for Hayes and Harlington, my hon. Friends the Members for Putney (Justine Greening) and for Windsor (Adam Afriyie), and the hon. Members for Richmond Park (Susan Kramer) and for Twickenham (Dr. Cable). The mix of people was very interesting, as it included environmental campaigners from all over the country and from elsewhere in Europe such as France and Spain, and great numbers of people from the local area—local residents who, rather like myself, would not normally go out on demonstrations. That does not come naturally to me, but I have to say that over the last 11 or so years, I have unfortunately found myself having to participate in such demonstrations.

The principal purposes of all those people in Sipson were to say no to further expansion at Heathrow and to save their communities. People who were not familiar with the local area and had come from elsewhere were actually surprised to see what the area was like. I think that a lot of people did not realise that those villages—we refer to them locally as the Heathrow villages—are just that. They are communities with homes, and a few shops and pubs. We are talking about the complete destruction of one such village and the near ruination of several others. The point has suddenly been raised, although some of us knew about it quite early on, that expansion will involve the potential destruction of cemeteries, particularly the Cherry Lane cemetery. Naturally enough, there is a great deal of opposition to that. It is not the third runway or the sixth terminal itself that would cause the destruction, but the road infrastructure that would be put in place.

We have discussed and debated the subject many times, and we will continue to do so. I am delighted to see that the hon. Members for Feltham and Heston (Alan Keen) and for Brentford and Isleworth (Ann Keen) are present on the Labour Benches. We are still supporters of Heathrow. We are not opposed to it; we very much support what goes on there, but during this latest part of the saga of expansion at Heathrow, many people, including us, have increasingly come to believe that enough is enough. The planned expansion is just too much for various reasons. I will not necessarily go over the whole lot of them; we have only a brief time for this debate. That is one thing that has changed.

It may not be incumbent on me to speak for the unions involved with the airport, but having spoken to them, I know that although in the past they have been thoroughly supportive of expansion for obvious reasons—they think that it will bring jobs—they are now divided

[Mr. John Randall]

on it. Many members of the unions and people who work at the airport live locally, so they understand that we are not talking about expansion by only a third runway or a sixth terminal. In fact, as I have mentioned several times in the House, we are talking about a development the size of Gatwick, so it is like having a second airport slapped on the side of Heathrow. A lot of people who do not live nearby might think that what we are complaining about is an extra bit of tarmac, and will say, "What is the problem with that?", but it is not an extra bit of tarmac. It is an incredible development that will affect and ruin many people's lives.

As I have said, the proposals have generated unprecedented opposition. There has been a consultation, and I believe that 70,000 people responded. I still have some arguments to make about who was told about the consultation and how to take part in it, but that has finished and I will not revisit the issue, mainly because, as I will say, some factors are still changing, and we should consider revisiting some of the issues.

I would like to hear the views of the Minister on one point that I find slightly surprising. I have repeatedly heard, both in the Chamber and outside it, that, as he put it in a letter that he wrote to me on 12 May, the Government would not allow any development at Heathrow if it was not the case that

"the strict local conditions could be met, including limits on noise and local air quality."

It has always been in the back of our mind that those who live very close to Heathrow, and many others, will say that it will be almost impossible to meet those conditions. We thought that as long as that was the case, it was unlikely that expansion would take place.

I and many others were therefore surprised to hear that the Government have apparently applied for a derogation on air quality limits in London. That, to me and to many others, seems a strange decision. In other words, the Government are saying, "We want to move the goalposts." I look forward to the Minister perhaps telling me that that is not the case and that I am giving too much credence to conspiracy theories, but there is a great worry that although limits have been set and they are supposed to be introduced, the Government could just come along and say, "Can we please exclude London from this?" Many of us would say that that would be designed not really to exclude the whole of London, but just to enable the Heathrow development to go ahead.

Another recent development—which has come at a useful time, if we can say such a thing—is the downturn in the economy. Whereas demand for aviation has for a long time been increasing, we have now hit a period when businesses and the general consumer are seriously worried about economic conditions and demand may be decreasing. Although economic downturns are, of course, unfortunate, it is a fact of life that they come along from time to time. We should look into this development. Because of modern technology, I think that businesses in particular will be less inclined to send their executives on long flights. One message that comes through increasingly loudly is the desire for better rail links both within the UK and to near-continental Europe. That would mean that the frequency of many flights, certainly within our country and also to places such as Paris and Brussels, could be reduced.

I do not hear people saying that they cannot get a flight because there is not enough capacity, but what I do hear people saying is that flying in and out of Heathrow is no longer a pleasant experience. That may be partly—if not greatly—to do with how the airport is currently being run. If BAA plc could get its act together, people might be less likely to criticise Heathrow because their experiences would be better. This is a Friday afternoon in the Chamber, and we do not have the 3,000 or more people who were present in Sipson and the atmosphere is not fevered, so I will try to be as calm as possible about this, but the fiasco over the opening of terminal 5 showed why a lot of people worry about the current management. Also, increasingly, economic commentators and people who are respected in the field are querying the need for expansion. Bob Ayling certainly knows about aviation, and he has said there is no need for it.

I would like these matters to be addressed while the Government are looking at the consultation and deciding their policy. I would also like briefly to mention my concerns—which I know are shared in all parts of the House—about the current measures proposed in the Planning Bill. There is a worry that some of them, which seem a little draconian to say the least, are being put in place with Heathrow in mind.

We are all waiting for the Government's decision, and I wonder whether the Minister can say when he expects they might come to some idea about how they will proceed. I am sure he will give the usual sort of answer—such as later in the year, or towards the end of the year, or early in the new year—but it does seem to be moving further away. Such a delay would, of course, be a concern for people who live nearby whose houses are blighted and who do not know what they will do if expansion goes ahead, but I think the longer this goes on the more the Government realise that they will have to rethink the whole idea, so although in some respects I want an answer sooner rather than later, I also think the argument is going the way of those who object to these plans.

Finally, the other day we debated on Second Reading the Climate Change Bill, which the Government can be congratulated on introducing. However, I and many other people around the country wonder why on earth, if the Government are really committed to doing something about climate change, they are also going to encourage an increase in harmful emissions. Regardless of trade-offs and so forth, it is undeniable that there would be an increase in harmful emissions.

On behalf of many of us in all parts of the House, and my neighbours in Hillingdon borough, Hounslow, Ealing and elsewhere, I want to remind the Minister that we are not going to go away on this. He will be brought to the Dispatch Box again, if we are lucky enough to do well in various ballots and so forth, because this is probably the most important issue for many of our constituents.

2.45 pm

The Parliamentary Under-Secretary of State for Transport (Jim Fitzpatrick): I begin by congratulating the hon. Member for Uxbridge (Mr. Randall) on securing this debate. I do not for one second believe that he or the campaign on this issue are going to go away. I am

pleased that he acknowledged the presence of my hon. Friends the Members for Feltham and Heston (Alan Keen) and for Brentford and Isleworth (Ann Keen). They, like him and many others, have lobbied hard on their constituents' behalf on this matter, and I am sure that that lobbying will continue.

Certain issues will continue to be resolved and pressed, and until we make an announcement on the outcome of the consultation, and, if that is for approval, the planning applications come through, there is a long way to go. So I do not for one second have anything other than respect for the campaigning and lobbying that all hon. Members are doing on their constituents' behalf, because that is the fundamental bread and butter of politics. I am happy to be here today to respond to the debate, and I anticipate that there will be many other occasions when we will do the same for the hon. Gentleman, my hon. Friends and others who will try to bid for the very valuable time of this Chamber, Westminster Hall and elsewhere.

The future of Heathrow obviously has very real consequences for those living around the airport, as we have heard, but we must also see this in the context of the wider UK, its citizens and our economy. Although on previous occasions, both in this place and elsewhere, there has been a good deal of exchange on the substance of the issues, I am grateful to have the opportunity to report on progress since we published our consultation document last November.

By any standards, the consultation was a major democratic exercise. Summary documents were mailed to more than 217,000 households, we ran a website and a call centre, we advertised extensively in local and national media, and we ran public exhibitions around the airport and in central London. I am pleased to confirm that this has led to more than 65,000 responses to the consultation from every corner of the country and overseas, and from local residents and residents associations, churches and charities, public sector organisations, representative bodies, political representatives and businesses.

The 14-week consultation concluded at the end of February. As I said, more than 65,000 responses were received and our officials are now managing their analysis, which is being undertaken by independent experts outside the Department. They are preparing an in-depth report, which has involved coding each and every response received, so that the key messages can be drawn out and presented to the Department. The report will of course be published alongside our final decisions on Heathrow.

The report will focus on the key questions listed in the consultation materials. However, people were of course free to comment more widely, and many have chosen to do so. Those wider views will also be fully taken into account. To provide added assurance to the analysis process, we have also instigated an independent peer review to ensure robustness at every stage. The peer review's report will also be published alongside final decisions.

Members will appreciate that analysis of the responses is not a quick process. Officials will use the report of the consultation to prepare advice for ministerial decisions on the consultation issues. I remind colleagues that the final decisions will draw on all the available evidence, so that the right decisions are reached. Hon. Members will appreciate that until that analysis has been completed it would be premature for me to comment on the outcome and the nature of any decisions. What I can say is that we are keen to reach decisions as soon as possible—we hope that that will be later this year—so as to end the period of uncertainty. Following that, if policy support is confirmed for some or all of the proposals, it would be for the airport operator to undertake the further detailed work necessary to prepare for the planning process.

I turn to the local impacts of Heathrow. I have made it clear that we recognise that Heathrow expansion will have very real impacts on those living around the airport and further afield. The hon. Gentleman specifically asked me to comment on Cherry lane cemetery, and I can tell him that BAA plc has confirmed that roads for a third runway would not go through the cemetery and residents will continue to have access. It is completely wrong to say that graves would be destroyed. Planning work carried out by BAA has been deliberately designed to avoid the cemetery. If a new runway goes ahead, BAA does not envisage any disruption to Cherry lane cemetery beyond the possibility of temporary road works on existing roads.

As I was saying in respect of the local issues, none of our ambitions at Heathrow can be realised unless we meet the strict local environmental conditions on noise, air quality and transport access set out in the 2003 White Paper. The "Adding capacity at Heathrow airport" consultation, which was launched last November and closed in February, met the commitment to consult on options for meeting those tests. We presented our evidence, and invited scrutiny and comment from all interested parties. It is our continued belief that the three core tests strike the right balance between the competing interests relating to expansion. This is absolutely not "expansion at all costs".

The hon. Gentleman raised the question of the air quality directive and the Government's seeking a derogation. The Government remain committed to meeting their obligations on air quality under the European Union directives. The national air quality strategy, which was published by the Department for Environment, Food and Rural Affairs in 2007, made it clear that the relevant limits for pollutants may not be achieved within the original 2010 time frame in some major urban areas in the UK and alongside busy roads. That would be the case with or without expansion at Heathrow. Subject to a full public consultation, the Government will therefore likely need to apply to the European Commission to take advantage of the flexibility provided under the new directive for extended compliance deadlines on nitrogen dioxide. This is not just an issue for the UK; other member states are also expected to apply for extended compliance deadlines, so we are talking about moving the deadlines somewhat and not about a complete derogation.

The hon. Gentleman also raised again the issue of alternative housing in the event of a third runway. In our Adjournment debate in December, I explained the statutory position, as well as BAA's voluntary schemes to help guarantee the market value of freehold properties until such time as any planning permission has been announced and compulsory purchase procedures triggered. I understand that following recent exchanges on the Planning Bill—the hon. Gentleman mentioned those—my hon. Friend the Minister for Local Government has written to my hon. Friend the Member for Hayes and Harlington (John McDonnell) confirming that there

[Jim Fitzpatrick]

are a number of organisations that provide assistance to communities affected by planning matters. Planning Aid, for example, has recently had its grant funding nearly doubled, from £1.7 million to £3.2 million in the current year, to help individuals and community groups engage in the planning process. Its activities would be expected to include providing advice to people whose property is subject to a compulsory purchase order.

I also spoke last time about the position as regards leaseholders and tenants, and those in social housing. I have to say there is no grand plan to relocate entire communities. Clearly, some people will wish to remain in the area, and I appreciate the pressures that already exist on the available housing supply. That is something that will need careful handling and management. We would expect BAA to play its part in helping to find an acceptable way forward, in particular, by working with the local authorities to address the issue of displaced social housing tenants.

Moving on for a moment from the local issues to the Government's global environmental responsibilities, I wish to refute the suggestion made by some that our policy is incompatible with the Government's commitments on climate change. We have a comprehensive approach for addressing the climate change impacts of aviation. This includes the use of economic instruments and measures to develop more efficient aircraft technologies, to make operations more effective and, crucially, to bring aviation within the European Union emissions trading scheme. By bringing aviation into the EU scheme, its emissions will be capped at 2004-06 levels. The aviation industry would then have to either mitigate within the sector or pay other sectors for any additional emissions it required.

These are all incredibly important issues, but in conclusion I remind the House that the consultation did not ask whether people supported a third runway because we had already announced in 2003 our support in principle for expansion, subject to local environmental conditions being met. This consultation has not re-opened the issue of a third runway from first principles. Rather it has presented the evidence on which the Government now believe, on the basis of extensive further work, that those conditions can be met, and asked for views from people and organisations.

Mr. Randall: Will the Minister also acknowledge that the consultation mentioned the third runway but did not mention a sixth terminal?

Jim Fitzpatrick: I acknowledge that that was the case. The documentation is public, and comments have been received from many thousands of people on all aspects of it. As I have said, some people have also made comments on issues that were not in the consultation document because they took the opportunity to express their views on Heathrow and Government policy on aviation. We will publish the responses in due course, as we do with every consultation.

Heathrow's future is not an issue that we can put off any more. Delay—in every sense—has affected Heathrow for too long. We are committed to making the right decisions, based on clear evidence, sound scientific research and a full understanding of the costs and benefits, which reflect full consideration of the very large number of consultation responses that we have received, including of course from those most directly affected.

I know that my response will not satisfy the hon. Gentleman or many of his constituents, or my hon. Friends and their constituents, but I can assure them that we will announce any decisions as soon as possible and we fully expect the dialogue to continue until, and even after, those decisions are made.

Question put and agreed to.

Adjourned accordingly at three minutes to Three o'clock.

House of Commons

Monday 16 June 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Afghanistan

1. **Laura Moffatt** (Crawley) (Lab): What role the armed forces are playing in providing humanitarian relief in southern Afghanistan. [210788]

The Secretary of State for Defence (Des Browne): I am sure that the whole House will wish to join me in sending our profound condolences to the family, friends and comrades of Lance Corporal James Bateman and Private Jeff Doherty of 2nd Battalion, the Parachute Regiment, who were killed in Helmand province, Afghanistan, on Thursday 12 June. They were young men of remarkable courage and professionalism, and we owe them an enormous debt.

The primary focus of the international security assistance force—ISAF—is to assist the Government of Afghanistan in the maintenance and extension of security. Practical support for reconstruction and development efforts is one of ISAF's key supporting tasks.

Laura Moffatt: I am grateful for the opportunity to ask that question, and I echo my right hon. Friend's thoughts on those who continue to give their lives to secure peace and security in Afghanistan—I send them my eternal thanks. Does he agree that the best way for the people of Afghanistan to have confidence in the work that is taking place there is to forge ahead with the health and education programmes that are crucial to that work? Education and health are a basic right, and people in Afghanistan will come to understand that when those programmes are rolled out throughout the country.

Des Browne: From her own professional experience in health, my hon. Friend knows how important health care is, particularly to women. I am pleased to say that, as a result of ISAF's effect in Afghanistan, 80 per cent. of people now have access to basic health care—less than 10 per cent. did so before. Education offers a long-term sustainable future for Afghanistan, and there are now 6 million children in education, one third of whom are girls. We should remember that the Taliban refuse to educate girls, and they still kill those teachers who educate girls, and try to destroy the schools.

Mr. Tobias Ellwood (Bournemouth, East) (Con): From a parliamentary reply from the Department for International Development, I notice that there is just one single non-governmental organisation operating in Helmand province. Seven years after the invasion, it is astonishing to discover that we cannot invest more and encourage NGOs to do their work. If that is the case, why do the Royal Engineers not have one single Trojan or Terrier vehicle, which would mean that they, instead of DFID, could help the reconstruction and development work? It appears that we have taken over responsibility for the provisional reconstruction team, but we are not doing enough about it.

Des Browne: The hon. Gentleman knows that I respect his informed observations about Afghanistan—he takes a lot of time and trouble to inform himself. I am sure that he will accept that, from my recent visit to Afghanistan, I have seen significant improvements in reconstruction. When I was in Lashkar Gah a couple of weeks ago, 30 projects were under way across that city. I may have more to say later in some detail about what is happening across Afghanistan, but he can be assured, in terms of reconstruction and development, that we, with our allies, are investing $12 million a week in Helmand province alone.

Harry Cohen (Leyton and Wanstead) (Lab): How does bombing, including of civilians, by the US military; hostility to Iran, including incursions; and threats to invade Pakistan's sovereignty, help the humanitarian effort in southern Afghanistan?

Des Browne: With respect, my hon. Friend always manages to make a partial analysis of what is going on in a country of great complexity. He forgets to remind the House that while civilian deaths caused by ISAF forces are accidental, deeply regretted and always investigated, they are part of the Taliban's plan. Indeed, they intend to do that, and that is the substantial difference between us. As for his other two observations, I know from my work with Bob Gates, who is the US Secretary for Defence, and from the American Government, that they are doing a significant amount to get the Governments of both Pakistan and Afghanistan to work across their common border to deal with insurgent and other terrorist activity that blight both countries, and cause significant difficulties for them. A lot of positive work is under way: I just wish that my hon. Friend would occasionally refer to that as well.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I was in Lashkar Gah the week before the Secretary of State and with reference to his earlier answer he did not tell the House that there are fewer schools and health clinics open in Helmand province this year than last year. One of the principal concerns that I heard from my colleagues in the Royal Engineers is that they are frustrated that, while they have been asked to undertake reconstruction and development work—and progress has been made by the stabilisation unit—the time that it takes to obtain the money for the project is getting longer. What can we do to help that time line?

Des Browne: I do not recognise the statistics that the hon. Gentleman has shared with the House, and they certainly do not correspond with the briefing that I was given.

Mr. Lancaster: It is true.

Des Browne: The hon. Gentleman says that it is true, but I do not recognise those statistics. For example, during the week that I was in Helmand province, the hospital in Garmsir opened for the first time in two years, because of the work achieved by Scots soldiers and Americans working together in that part of the province.

The brigadier in charge of our troops in Helmand province took me through a list of construction projects that were going on and told me a very interesting anecdote about his presence at the opening of a secondary school. It opened for the first time ever, because, after having been built, it had been closed by the Taliban.

The hon. Gentleman asks about the investment of funds not only in quick-impact projects but in long-term development projects. I remind him of what I told the hon. Member for Bournemouth, East (Mr. Ellwood): we are currently investing $12 million a week through projects in Helmand province, which is $600 million a year. I think that that is quite a significant amount of money. The ability to invest there stretches the capacity and capability not only of the Afghans, but of our own forces.

Mr. Kevan Jones (North Durham) (Lab): May I associate myself with those whose thoughts are with the Paras who died last week? Having visited Afghanistan on a number of occasions, including southern Afghanistan, I have always found morale among our armed forces personnel to be very high, and that they are very proud of what they are achieving in southern Afghanistan. Does my right hon. Friend agree, however, that we need to keep up a constant battle to ensure that their good work and the sacrifices that they make are kept at the forefront not only of the news agenda, but of the minds of the British public?

Des Browne: In my conversations with our troops on the ground in Helmand province, Kandahar and, indeed, Kabul, very many of them have said to me that their deepest frustration is with the failure of people back in this country to appreciate exactly what progress is being made—the concentration always on the negative and the lack of understanding about how difficult an environment it is. I remind the House that Afghanistan has gone through the best part of four decades of violence and lost 2 million of its own people, and two generations in respect of education. In many parts of the country, only between 17 and 22 per cent. of the indigenous population can read and write. There needs to be some strategic patience with what we are trying to do. Nothing will happen year to year on a metric that meets the demands of some unreasonable commentators on what is happening in Afghanistan.

Willie Rennie (Dunfermline and West Fife) (LD): Is the Secretary of State aware of a report, which was published by Oxfam earlier this year, that found that the provincial reconstruction teams had extended beyond the remit that was originally intended at the expense of delivery by the local Afghan institutions? Does the Secretary of State believe that that is true? If so, how does he think that we can build up the capacity of the Afghan institutions so that they can deliver much more of their own aid, development and reconstruction?

Des Browne: I read many reports written by people about Afghanistan. The reports that I place greatest store by are those from people who are on the ground in Afghanistan, living and working in that environment. There is, however, an issue about provincial reconstruction teams. At present, the second in command of ISAF, who is a very experienced British general, is, at the request of the previous commander of ISAF, undertaking work on provincial reconstruction teams. On the question whether it is time in certain parts of Afghanistan to move from that sort of reconstruction support to longer term development, I think that the general will almost certainly conclude that in some circumstances provincial reconstruction can exist for too long. At present, however, that is hardly likely to apply to the south of Afghanistan, where most of the most difficult work is being done. Reconstruction is at the heart of what we need to do there.

Service Pay and Conditions

2. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What plans he has to improve pay and conditions for members of the armed forces. [210789]

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): A number of measures have been implemented to improve armed forces pay and conditions, including a 2.6 per cent. pay rise, along with a 1 per cent. increase in the X factor component of basic pay from 1 April this year. The operational allowance, introduced in October 2006, now stands at £2,380 for a six-month deployment. Recent enhancements to the wider remuneration package include the council tax relief scheme announced in September 2007, increased separation allowances and financial retention initiatives.

Mr. Evennett: I note the Minister's response, but what relationship does he believe exists in our armed forces between pay and conditions on the one hand, and recruitment and retention on the other?

Derek Twigg: A variety of factors affect recruitment and retention. Currently, the good thing is that recruitment is up, and retention, certainly in terms of outflow, is broadly similar to what it has been in recent years. We always face challenges and we always look at various initiatives to deal with them. For instance, we obviously take advice from the Armed Forces Pay Review Body, and we have implemented its recommendations, but we continue to look at what more we can do to improve the pay and conditions of our armed forces.

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend will recognise that it is very important that we get pay and conditions right because that helps with retention. Can he also ensure that we help forces personnel to get on to the property ladder by helping them with deposits and in other ways so that they can have their own properties for the sake of their long-term interests?

Derek Twigg: My right hon. Friend the Secretary of State and I are very keen to help our armed forces personnel to get the opportunity to acquire property and to buy equity in property, and we are considering a number of ways in which we can do that. As a result of the 2008 pay review, my right hon. Friend announced

money for that purpose this year and for future years. At this stage we are working on the relevant plans; of course, when we have something further to say we will do so.

Mr. Speaker: Sir Peter Viggers.

Hon. Members: Hear, hear.

Sir Peter Viggers (Gosport) (Con): I am grateful to colleagues.

Is the Minister aware that one aspect of conditions causing concern to commanders is the lack of rehabilitation facilities for men and women who have been injured physically or mentally? Is he aware that the Royal hospital, Haslar, is ideally suited to provide such rehabilitation facilities, and will he work with charities and others who are striving to develop those facilities?

Derek Twigg: The hon. Gentleman, who is a great defender of Haslar hospital, has done a lot of work over the years on the issue, and I recognise that he feels very strongly about it. However, I do not recognise his viewpoint as regards rehabilitation. Only a few weeks ago, we announced a £24 million investment in Headley Court, which is our main rehabilitation centre. I think that everyone accepts that it is doing remarkable work in rehabilitating and helping our injured service personnel. In many cases that care now means that they can stay in the service and not necessarily leave. We also have a regional group of rehabilitation centres providing world-class treatment and support. We are continuing to invest in rehabilitation for our armed forces personnel to ensure that they get the best possible care and treatment.

John Reid (Airdrie and Shotts) (Lab): Would my hon. Friend accept my condolences, along with those of others, not only for those who have recently so tragically died in Afghanistan but for all those who have fallen in the service of this country, and will he recognise the courage that they have shown in their activities? Does he accept that the role of a member of our armed forces is unique? Unlike any other public sector servant, our servicemen and women promise, by contract, to serve even until death. The public therefore need to be reassured that the remuneration that we are giving to those young men and women is adequate to the sacrifice that they are prepared to make. Some misleading comments have been made over the past month or two. Is he in a position to tell us about the value of packages available to soldiers serving, say, in Afghanistan so that we can cut through some of those stories and the public can be told what is the very minimum that is paid to a young soldier in Afghanistan?

Derek Twigg: My right hon. Friend makes an important point about the remuneration of our armed forces personnel. Of course, we set a high store by that. That is why we have accepted the Armed Forces Pay Review Body recommendations in full—I must stress that to the House. In the case of a newly trained private who is going to Afghanistan, if we take into account certain benefits that they might receive, such as the operational allowance and the separation allowance, and the excellent contribution made by the very good pension scheme, the package can amount to about £25,000. It will depend on which pay scale they are on and will increase accordingly, but that is roughly what one of our most junior privates would get on coming out of training. Let me add that last year we recognised that there was an issue with pay for the most junior ranks and increased their pay by the best pay award in the public sector—over 9 per cent.

Mr. James Arbuthnot (North-East Hampshire) (Con): Yes, but it was not funded, was it?

On Saturday morning, I attended the latest welcome home parade for the crews of the Chinooks that are coming back from Afghanistan. Those personnel are over there on a regular, rolling basis. The people of Odiham showed a huge degree of appreciation for the wonderful work of those men and women. I was not able to speak to them all because they were lining the streets three deep to welcome home those members of the armed forces, and others, but those to whom I did speak agreed unanimously with the remarks of the Chief of the General Staff, Sir Richard Dannatt, who says that we need to have a debate about the priority that we give to our armed forces. The work that those people are doing is second to none. Does the Minister agree?

Derek Twigg: Our armed forces are absolutely outstanding—I think that they are the best in the world. Like my right hon. Friends the Secretary of State and the Minister for the Armed Forces, I have visited our armed forces in Iraq and Afghanistan, and seen what they do, and they undertake quite an amazing job. It is important when looking at pay and conditions that we take a strong view about how we pay and remunerate our armed forces, which is why the Armed Forces Pay Review Body is independent. It goes all around the world, talking to armed forces personnel and their families. I was in Cyprus just a few weeks ago after its representatives visited to talk to families there about remuneration and the conditions of service package. We have implemented those recommendations in full.

Angus Robertson (Moray) (SNP): Is it not a source of concern to the Minister when senior military personnel say:

"A friend of mine told me that a survey done in his battalion in the past couple of weeks found that 58 per cent. of them were unhappy with their pay—that gives an idea of the levels of frustration amongst ordinary soldiers."

Does that not concern the Minister?

Derek Twigg: I do not think that anyone is in the position to say, "If asked if they would like more pay, most people would say no." I understand the concerns, but having spoken to service personnel over the past two years about pay awards, the feedback I have got has been positive, particularly from chiefs of staff. The chiefs' aspirations are the same as those of Ministers—to ensure that we get the best possible pay awards for our armed forces personnel. I stress to the House that we accepted in full the recommendations of the independent pay review board.

Of course, the question is much wider than one of pay, which is why we are spending £8.4 billion over the next 10 years to improve a lot of service family accommodation. We are trying to put right decades of neglect. We also have world-class medical services for our injured service personnel, whether in Selly Oak, in

the field hospitals in Iraq or Afghanistan or back at the rehabilitation centres. We are ensuring that our armed forces personnel are given a range of support.

Dr. Julian Lewis (New Forest, East) (Con): It was a very serious matter for the Chief of the General Staff to express his continuing concern at the level of pay for our front-line forces. Is he mistaken in his view; otherwise, why is the Minister so complacent about the level of pay?

Derek Twigg: I can absolutely assure the hon. Gentleman and the House that I am not complacent about the level of pay. I have clearly stressed that we have an independent review body, and we accepted its recommendations in full. Additionally, we introduced an operational allowance, the separation allowance has been increased, we have introduced a council tax rebate and we are looking at what else we can do. The pay review body talks to armed forces personnel and their families around the world to get their view of conditions. The Chief of the General Staff and the other chiefs want to see further improvements and so does this ministerial team. I know for a fact that when I spoke to the Chief of the General Staff, he was pleased about the increase given this year.

Annington Homes

3. **Bob Russell** (Colchester) (LD): What estimate he has made of the rent to be paid to Annington Homes for service personnel accommodation in 2008-09. [210790]

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): Rent to be paid in the financial year 2008-09 is £150 million. That represents 42 per cent. of the agreed market rental price for the properties listed from Annington Homes.

Bob Russell: I pay tribute to the five soldiers from the Colchester garrison who lost their lives in Afghanistan in the last week, and I extend condolences to the families, friends and colleagues of those five brave young men. The town mourns, but there is immense pride in the knowledge that the Army is doing an excellent job. They did not die in vain.

As for Annington Homes, will the Minister confirm that over the past 12 years, the Government have paid more rent to Annington Homes than the Tory Government received during the privatisation in 1996? If that money could be invested in upgrading the homes of Army families, instead of lining the pockets of Annington, perhaps retention would be better than it is.

Derek Twigg: As the hon. Gentleman knows, the amount paid for the sale was around £1.6 billion, and I have written to him with the details of the rent that is being paid. The key thing is that most people now accept that that deal, which was done by the previous Government, was not in the interests of armed forces personnel or their families, and we have had to deal with a legacy of decades of underinvestment. After 18 years in power, the Opposition could not solve that problem. We are spending a significant amount of money on housing—more than £8 billion in the next 10 years—and we are making inroads and improving a large amount of family accommodation and single living accommodation. There is more to do. We are not complacent about the matter, and we will continue to press for improvements.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Not only does that deal not represent good value for money, as my hon. Friend confirmed, but Annington Homes must be making a handsome profit out of the arrangement. People are always looking to the Government for such things, but it is right to look to industries that make handsome profits out of the defence market. What discussions has the Under-Secretary had with Annington Homes to ask what it can do to put money back into the armed services?

Derek Twigg: My hon. Friend makes an important point, and I know that she takes a great interest in the matter. There is a contract, which was signed under the previous Government, to pay a set amount of money to Annington Homes under a deal that most people now recognise as pretty disastrous for accommodation for armed forces personnel. We have met representatives of Annington Homes to discuss what more we can to do to improve the housing position of our armed forces personnel. They are willing to discuss things with us—we are considering several ideas with them at the moment. When we reach a conclusion, I will be happy to report further on the matter.

Robert Key (Salisbury) (Con): But does the Under-Secretary agree that what matters to our armed forces and their families is the quality of the management of those homes? The Defence Committee found lamentable shortcomings in everyday management—taps working, loos flushing—issues that matter so much. In the new supergarrisons, will there be a new housing management system, which is an improvement on the current system? Will polyclinics be considered with the Defence Medical Services, as is happening in Tidworth in Wiltshire?

Derek Twigg: I know that the hon. Gentleman takes a great interest in the matters that we are considering. The response, repair and maintenance service in England and Wales now shows sustained performance levels, with more than 96 per cent. of service family accommodation meeting the move-in standard. More than 99 per cent. of emergency calls are dealt with in 24 hours, and customer satisfaction with the response, repair and maintenance service is consistently above 90 per cent. However, I accept that more needs to be done. We must ensure that we stop the problems occurring in future and that services continue to improve. We will obviously examine a variety of ways in which to do that, but I stress that we are considering a relatively new contract. There were many teething problems when it came into being, but significant improvements have been made. I reassure the hon. Gentleman and the House that we will continue to monitor the position and put a great deal of effort and work into ensuring that we get the further improvements.

Forward Equipment Programme

4. **Mr. Crispin Blunt** (Reigate) (Con): What assessment he has made of the consistency of the forward equipment programme with the Department's expenditure plans. [210791]

The Minister for the Armed Forces (Mr. Bob Ainsworth): The Department reconciles the equipment programme and the available resources through its regular planning round process, which enables us to adjust priorities, not least in response to the experience of operations. To inform the 2009 planning round, we are undertaking a short examination of the equipment programme to look at our planning assumptions in the next 10 years. That aims to bear down on costs and shift the balance of defence procurement to support operations.

Mr. Blunt: But the truth is that that short examination confirms what everyone knows: the forward equipment programme is inconsistent with the state of the defence budget. Will the Minister confirm that the examination is therefore likely to conclude that salami-slicing will no longer be enough and that a major amputation of an entire programme is probably required?

Mr. Ainsworth: We need to try to ensure that we have got the focus on our current operations right and that it is sufficient. We need to ensure that we do more for our people, if we can. To do so, we need to examine the cost issues in the equipment programme to ascertain whether we can bear down on them. A review is necessary, sensible and exactly what we are doing.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Will the Minister assure me that any such review will not delay signing the contract for my aircraft carriers? Will he further confirm that, if the future of the Scottish naval shipyards is to be assured, it is essential that they maintain access to the United Kingdom market—no Union, no shipyards?

Mr. Ainsworth: The commitment to the carrier—not my hon. Friend's carrier, but the carrier—

Mr. Davidson: Carriers.

Mr. Ainsworth: The commitment to the carrier programme is clear, and that will not be part of the review that we are undertaking.

Mr. Bernard Jenkin (North Essex) (Con): Is it not clear that a review of the major equipment programme is just another opportunity for the Government to push decisions "to the right", as the Ministry of Defence jargon goes, in order to delay expenditure for as long as possible, in the hope that the Government can get through a general election before they have to cancel anything? Is it not time for the Government to accept that they will not be able to deliver the capabilities that they originally promised in the strategic defence review under the current defence budget?

Mr. Ainsworth: I saw the hon. Gentleman talking to his hon. Friend the Member for Reigate (Mr. Blunt), who is sitting in front of him, so it is surprising that he should stand up and say exactly the opposite. His hon. Friend said that the review will expose certain things; he says that it is a way of delaying them. The review is a short review. If the hon. Gentleman had paid any attention to what I said, he would know that the review is there to inform our decisions in the 2009 spending round.

Mr. David Crausby (Bolton, North-East) (Lab): Can my right hon. Friend give us some detail on the essential Airbus A400M programme? How many aircraft do we intend to procure and what is his best estimate of its in-flight date?

Mr. Ainsworth: We need to consider our equipment programme, with the exceptions of decisions that have already been taken, through the review, although I cannot pre-empt those decisions. We shall aim for the minimum of delay in decision making. The review will not take that long, but it needs to be conducted, and we need to look further on than we were able to during the 2008 spending round.

Mr. Nigel Evans (Ribble Valley) (Con): In looking at the forward equipment programme, perhaps the Minister can look at the past equipment programme, too. We all want to see value for money, but does he really think that it is value for money for this country to have bought eight Chinooks that are now lying idle in a hangar? [HON. MEMBERS: "You bought them."] Having said that—*[Interruption.]* I know exactly what the Minister is saying, but can he give the House an assurance that he will look at all the contracts on which we are now expending money, to ensure that there is no waste whatever in the equipment that our armed forces need?

Mr. Ainsworth: The hon. Gentleman knows that those eight Chinooks were ordered by the previous Conservative Government. That procurement was found to be completely within the terms of the procurement procedures. We could not go back to Boeing, because it had done what it had been asked to do, but those Chinooks were not compatible with our safety requirements. That was a pretty disastrous situation. We have decided to make those Chinooks fit for purpose, so that we can get them into theatre as quickly as possible. It was a pretty complicated mess in which we found ourselves in the first place, and yes, it has taken some sorting out.

David Taylor (North-West Leicestershire) (Lab/Co-op): To have the most accurate correlation possible between a complex forward equipment programme and the associated budgets provided, the MOD needs the highest order of financial advice available at its top levels. In the light of the two National Audit Office reports—one relating to the Chinook helicopter disaster, the other to the flog-off of QinetiQ, where senior management enriched themselves by ensuring that the price was well below the market value—what quality of financial advice are Ministers receiving in this benighted Department?

Mr. Ainsworth: Hindsight is a wonderful thing. With the benefit of hindsight, one can see the huge success that QinetiQ has been, but that was not guaranteed at the time. However, the Government made nearly £1 billion—an 800 per cent. profit—on their shares in QinetiQ.

Afghanistan

5. **Mr. David Kidney** (Stafford) (Lab): What progress has been made in providing protected patrol vehicles for armed forces personnel operating in southern Afghanistan. [210793]

The Minister for the Armed Forces (Mr. Bob Ainsworth): We have procured a substantial number of protected mobility vehicles over the last 12 months and invested heavily in further improvements to their physical protection as threats have emerged. We have delivered Mastiff and Vector protected mobility vehicles to Afghanistan and they are on the streets saving lives now. We are procuring a total of more than 450 of these vehicles, which is clearly a significant investment. In addition, the Prime Minister has recently announced the procurement of 150 additional protected vehicles for operational use, which will be known as Ridgeback.

Mr. Kidney: A number of constituents have expressed to me in the strongest possible words their deep concern about the number of our armed forces personnel who have died as a result of explosive devices at the roadside, and ask me whether that might be due to a lack of sufficient protective vehicles. Will my right hon. Friend assure the House today that when commanders take decisions in matching operations and vehicles, their choice of vehicle is not compromised by an absence of sufficient protected vehicles?

Mr. Ainsworth: A number of commanders have been able to say to us quite clearly that over the last few years the equipment provided to our troops in Afghanistan and Iraq has fundamentally improved. The House needs to ensure that we do not try to second-guess decisions that are quite rightly taken by commanders about which vehicle is appropriate for use on a particular operation. We need a range of vehicles; we cannot do everything from a Mastiff. Our responsibility is clearly to ensure that there are sufficient of all the different kinds of vehicle available to commanders so that they have a free choice to pick the right vehicle for the right job as they see it at the time. That is what we are seeking to do and I hope my hon. Friend would appreciate that we have done so with a substantial degree of success over the last couple of years.

Ann Winterton (Congleton) (Con): I commend the Secretary of State for ordering the Ridgeback vehicles—the four-wheeled version of the Mastiffs, which have an outstanding track record in Afghanistan and are very popular with the troops. Does not the Minister accept, however, that with the arrival of the future rapid effect utility vehicles, the balance between vehicles designed for blast deflection rather than blast absorption will be tipped too much towards the latter type?

Mr. Ainsworth: Yes, of course we have to ensure that we have the right balance in the range of vehicles available. The hon. Lady should not be under any illusion, however, that in the development process of FRES—future rapid effect system—adequate mine protection will not need to be proven and tested to destruction as appropriate. Our problem is that we are not able to expose those tests in the same way as civilian organisations because that would put our troops at risk. But we need a vehicle with a high degree of mobility, which will of course need to be set off against the essential requirement for mine protection and blast deflection to be built into the vehicle's design.

Sir Patrick Cormack (South Staffordshire) (Con): But does not the Minister share my sense of concern and, indeed, embarrassment that those brave soldiers who willingly and enthusiastically drive those vehicles in their protective duties are paid so much less than those drivers of trucks who are currently holding the nation to ransom?

Mr. Speaker: Order. I think that the hon. Gentleman missed the earlier question about soldiers' pay and he is now trying to bring the matter into this one. It was a good try.

Overstretch

6. **John Barrett** (Edinburgh, West) (LD): What recent assessment he has made of the extent of overstretch in the armed forces. [210794]

The Minister for the Armed Forces (Mr. Bob Ainsworth): The armed forces are stretched, but the chiefs of staff advise me that the current situation is manageable. Some of our people are working harder than is the ideal. We are, however, taking steps to alleviate the pressures on individuals through a number of financial and non-financial measures aimed at improving retention and balancing manpower in areas of current risk.

John Barrett: This weekend, President Bush stressed the importance of listening to our generals when making decisions about troop deployment. Has the Minister listened to General Sir Richard Dannatt's warning that overstretch has left us with "almost no capability" to deal with the unexpected? Does the Minister agree with the general?

Mr. Ainsworth: I just said that we talked to the chiefs of staff, and they have assured us that, although there is stretch in the armed forces, the situation is manageable. The Chief of the General Staff is one of those chiefs. He is part of those discussions. Of course he has been consulted; of course he continues to be consulted. The opinion that I have just given is the opinion that is expressed by the Chief of the General Staff as well as the other chiefs.

Dr. Andrew Murrison (Westbury) (Con): Our armed forces would be stretched beyond breaking point had it not been for the dedicated and courageous service of non-UK nationals. A decade ago, there were just 600 non-UK non-Nepalese soldiers in the British Army. Today, there are around 7,000 and rising. Will the Minister be sorting out his manning difficulties by making a career in the Army more attractive to young people or will he continue to buck the UK labour market in favour of overseas recruitment?

Mr. Ainsworth: Our recruitment in the last couple of years has been pretty buoyant. We are able to get people into the armed forces. Recruitment figures achieved in 2007-08 were nearly 1,500 higher than in the previous year, but we know that retention is a problem, which is why we have brought in the various allowances—most recently, the commitment bonus of £15,000. It is not the intention to depend on overseas recruits. It is the intention to be able to recruit within the UK. Let us make it clear: the package available to a young infantryman is worth, by any estimate, £25,000, which is more than that for a parking attendant.

Andrew Miller (Ellesmere Port and Neston) (Lab): Following on from that, about 10 days ago I was privileged to be on HMS Bulwark, where morale was exceptionally high, and I want to use this opportunity to send my congratulations on that to Captain Jeremy Blunden and the ship's company. We came across a number of Commonwealth citizens—some on secondment, some direct recruits. What assessment has the Department made of the extra training that we can give to increase the strength of the Royal Navy among our allies and thus help the campaigns that we have to face?

Mr. Ainsworth: The Royal Navy co-operates with all our allies in trying to assist whenever it can. Anyone who goes down to Flag Officer Sea Training at Plymouth will invariably see other navies participating alongside our own and trying not only to develop their interoperability, but to learn any lessons that they can from us, as we should learn any lessons we can from other nations.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Minister not accept that retention is a serious problem and that many experienced, trained soldiers are leaving the forces early, for whatever reason? That was highlighted to me recently when my wife and I attended beating the retreat on Horse Guards as guests of the Army Benevolent Fund. Those soldiers said to us both that retention is very difficult. Can we not do more to try to retain those whom we have trained at great expense and who are of huge value to our armed services?

Mr. Ainsworth: Retention is a huge issue—the hon. Gentleman is absolutely right—but pay in itself is not the only answer to it. There are many complexities to the retention issue. We lose an awful lot of people during training and the Army is actively considering whether it can lose fewer during that process—without lowering standards, but by looking at its procedures.

There is also the issue of the soldiering that our people do today. They willingly face complex and dangerous circumstances in Afghanistan and Iraq, and if one talks to them in theatre, they say that they enjoy what they do. But they get their soldiering experience much quicker, over a shorter time scale, than previous generations. Therefore, retention will remain a difficult, complex issue. We must continue to strive to do everything that we can to meet that challenge. The hon. Gentleman is right: we cannot afford to lose the skills in which we have invested so much.

NATO Transformation Programme

7. **Rosie Cooper** (West Lancashire) (Lab): What steps he is taking to promote NATO's transformation programme. [210795]

The Secretary of State for Defence (Des Browne): NATO remains the bedrock of our security and defence policy. We are determined to ensure its effectiveness and efficiency in current and future operations, and in delivering the capabilities that we need. At last week's NATO Defence Ministers' meeting, we took stock of progress, including on British initiatives to make more helicopters and other key capabilities available for operations. I have agreed to host a special NATO Defence Ministers' meeting on transformation in September in London. Our aim is that that will allow Ministers to give political direction to help to resolve such transformation issues.

Rosie Cooper: Will the Secretary of State tell us what a transformed NATO might look like?

Des Browne: It is accepted that NATO has found it difficult to transform itself from the most effective political-military organisation that the world has ever known, and one which was configured for a cold war situation, into one that can respond to the modern challenges. A common view is that a transformed NATO will have the capabilities that it needs to succeed in operations of the sort to which we currently deploy NATO troops, such as in Afghanistan or Kosovo; will use its resources efficiently to support our future needs; will have all its members sharing the burdens and risk of operations; will work better with organisations such as the European Union, UN and African Union; and will have a slimmed-down command structure, suitable for modern operations.

Topical Questions

T1. [210761] **Mr. Graham Allen** (Nottingham, North) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Des Browne): As Secretary of State for Defence, my departmental responsibilities are to make and execute defence policy; to provide the armed forces with the capabilities that they need to achieve success in their military tasks at home and abroad; and to ensure that they are ready to respond to the tasks that might arise in future.

Mr. Allen: The Secretary of State and his team will know of the fantastic work done by Skill Force's retired armed services trainers in putting something back into the community. In the Haddon Park and William Sharp schools in my constituency, they are helping some of the most difficult-to-reach young people. Will he commend the success of Skill Force and its trainers, and consider whether the Ministry of Defence or any one of the armed services might sponsor an academy as universities and private businesses do? Will he consider taking the Skill Force example further and have the MOD or one of the services sponsor an academy in a tough area?

Des Browne: My hon. Friend is right to recognise that when the armed services have a relationship with schools such as that of Skill Force, it is of mutual benefit, with the young people and children in those schools benefiting most. I have not seen Skill Force operate in my hon. Friend's constituency, but I have seen it operate in schools in Scotland to significant effect. Until he raised the issue of academy sponsorship, I had not thought of extending the relationship in such a way, and we have no plans to do so. But if he wants to put a proposal to me, I will certainly discuss it with the chiefs of staff and the appropriate Secretary of State.

T5. [210765] **Mr. Peter Bone** (Wellingborough) (Con): Will the Secretary of State tell us what General Sir Richard Dannatt's career prospects are?

Des Browne: General Sir Richard Dannatt is an extremely successful and well-regarded soldier who has risen to the top of the Army. There is a process that took him there and respected all his skills and talents, and there is

a process that will determine his future. No doubt I shall receive advice in due course from those who are equipped to give it to me, and I shall follow that process to the letter.

T2. [210762] **Phil Wilson** (Sedgefield) (Lab): What has been the Government's role in securing international agreement on the banning of cluster munitions?

Des Browne: In November 2006, the Government decided to take the lead internationally in addressing the humanitarian concerns posed by certain types of cluster munitions. Since that date the United Kingdom has been actively engaged with the convention on conventional weapons, and in February 2007 it decided to join the Oslo process to drive the issue forward and secure the best possible humanitarian result. In March 2007, we withdrew two types of cluster munitions from service because we took the view that they would inflict unacceptable harm. We were the first country to do that after the Oslo conference, and we are one of the 46 nations to have supported the Oslo process from the outset. The Government are delighted with the outcome of the Dublin conference, where we gave a very strong lead. I am proud of what we have achieved, and I know that it is supported throughout the House and in the other place.

Nick Harvey (North Devon) (LD): Can the Secretary of State cast any light on the BBC reports of a week or so ago that by the end of the year the Government would be in a position to announce a timetable for withdrawal from Iraq? We have heard President Bush warn against it, but yesterday the Foreign Secretary said in a BBC interview:

"We have to complete what we have started and the priority... was the training of the 14th Division around Basra."

What is the Government's estimate of the time scale for completion of that work? Are there any other specific projects that we "have to complete" before we have concluded our task? Will we be in a position to tell a new United States President next January that the sustainability of our long-term commitment in Afghanistan necessitates a timetable for withdrawal from Iraq?

Des Browne: The hon. Gentleman—understandably—raises this issue regularly at Question Time and during debates, and I think that I consistently give him the same answer: that decisions about the level of our forces in Iraq will depend on military advice, which in turn will reflect the conditions. As he knows, during my time as Secretary of State the number of our troops in Iraq has roughly halved, which reflects the changing conditions.

We have set ourselves a number of tasks. At the end of the day, we will make a decision on whether the Iraqi security forces are sufficiently trained to be able to hold and sustain the security that we, along with other allies, have helped them to create. The hon. Gentleman and the House can rest assured that when that day comes, I or another member of the Government will come here and tell the House, not the BBC.

T3. [210763] **Laura Moffatt** (Crawley) (Lab): I am very proud that 103 Battalion Royal Electrical and Mechanical Engineers, a Territorial Army unit, has headquarters in Crawley. A major opportunity has been provided by a large planning application for redevelopment of the town centre. Will my right hon. Friend assure me that a positive attitude will be taken to any idea of moving the TA, so that it can continue its fantastic work?

The Minister for the Armed Forces (Mr. Bob Ainsworth): I shall talk to my hon. Friend about the details of her question, and ensure that we do the maximum that is reasonable in the circumstances.

Dr. Liam Fox (Woodspring) (Con): I congratulate my hon. Friend the Member for Gosport (Sir Peter Viggers) and the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith), both of whom are hugely respected in the House, and both of whom richly deserve the honour that was bestowed on them at the weekend.

On the subject of respect, I am sure that the Secretary of State shares my respect for all the current chiefs of staff, and also shares General Dannatt's concern for the welfare of our soldiers. Can he confirm what we must all assume—that the Prime Minister holds all the chiefs of staff in the same high regard—and does he believe that to discriminate against anyone because they had, in the words of a Whitehall source, "made a lot of enemies among the senior reaches of the Labour party" would be characteristic of petty, vindictive, small-minded politicians, and quite alien to the ethos of the military?

Des Browne: I join the hon. Gentleman in paying tribute to those Members, who were rightly recognised in the Queen's birthday honours list. They have contributed significantly to public life, and the recognition is well deserved.

I value the advice and support of, and the relationship I have with, all my chiefs of staff. The hon. Gentleman ought not to believe everything he reads in the papers, even if he, or one of his colleagues, might have briefed them.

Dr. Fox: The Secretary of State is right: we ought to leave aside the vulgarity of the conduct of politics. So let us get on to the substance: can he tell us the value of the Ministry of Defence estate in Northern Ireland, and can he give us a simple guarantee that every penny from any sales will go to the MOD and not to Stormont as a result of any grubby political deals?

Des Browne: I cannot give the hon. Gentleman that figure, but he knows that I will be consistent in my approach to the House, and I will make sure that he is given the figure and the detail underpinning it. I do not know the current estimate of the value of the real estate we hold in Northern Ireland. I do know, however, that I and the Government intend that where any of that estate is realised, those resources will be reinvested in our armed forces in some fashion or other. That is the plan. No deals were made. The hon. Gentleman ought to accept the assurances that I have no doubt were given to him personally by Members who are much closer politically to him than to me that they made their decision in relation to the vote the other night on a matter of principle, as I am sure he also did.

T4. [210764] **Hugh Bayley** (City of York) (Lab): What progress has been made in establishing the headquarters of 6th Division in York, and how many military and civilian personnel will it employ when it is fully established?

Mr. Bob Ainsworth: The headquarters of 6th Division has been fully established in York. It will be fully staffed by the autumn, and it will by then have a total of 55 military personnel and about 6 civilian staff.

T6. [210766] **Mr. Lindsay Hoyle** (Chorley) (Lab): Will my right hon. Friend make a statement to the House on tranche 3 of Typhoon, updating us on what the workshare will be and what it will mean for skilled workers in the north-west?

Mr. Ainsworth: There has been no definitive decision on tranche 3. We continue to discuss the detail of it with other nations, and we will announce to the House any definitive decision as soon as we are able to do so.

T7. [210767] **Mr. Michael Jack** (Fylde) (Con): Pursuant to the question of the hon. Member for Chorley (Mr. Hoyle), the Minister knows that Germany, Italy and Spain have all decided what their position is on tranche 3. He also knows that his Department is considering various options in terms of the number of aircraft it would wish to evaluate. Therefore, will the Minister once and for all confide in this Parliament of the United Kingdom what options he is considering, and when he will make his mind up and make an announcement?

Mr. Ainsworth: There is no intention to keep the House out of the loop, but the situation is a lot more complicated than that. Discussions on tranche 3 continue between all of the nations.

T9. [210769] **Ms Katy Clark** (North Ayrshire and Arran) (Lab): Government figures show that the cost of our nuclear weapons programme is due almost to double, from £1.1 billion in 2003-04 to £2.1 billion in 2010-11. Will the Minister explain this increase, and is he convinced that that is the best use of money in the current circumstances?

Mr. Ainsworth: Facilitated by a White Paper, the House recently had extensive discussions over a period of months on the decision to maintain the nuclear deterrent. There will be further decisions to take further down the line, however, and they will, of course, be brought to the House, but the House took a decision on the continuation of the nuclear deterrent in principle.

T10. [210770] **Rosie Cooper** (West Lancashire) (Lab): What steps is the Department taking to honour the memory of those in the armed forces who have made the ultimate sacrifice for their country?

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): My hon. Friend raises a very important matter. The names of the latest service personnel to have lost their lives will of course be put on the memorial in the National Memorial Arboretum, in Staffordshire. Various parts of the armed forces themselves have a number of memorials. The decision regarding recognition for those who died in service was recently announced, and we will announce the details in due course.

Julia Goldsworthy (Falmouth and Camborne) (LD): Twenty-six dolphins died in my constituency in a mass stranding last week, and more than 70 were involved in the incident. In the immediate aftermath, defence spokespeople insisted that the only sonar in use in the area was aboard a survey vessel using a low-powered seabed scanner. This turned out to be a high-frequency sonar, and over the weekend it transpired that Merlin helicopters were also exercising in the area, using a mid-range frequency sonar that has been associated with cetacean strandings in the past. Can the Minister explain why his Department appears to have issued so many contradictory statements in relation to this incident, and will he commit to full co-operation in an inquiry?

Mr. Bob Ainsworth: The hon. Lady is effectively making allegations about the cause of the tragedy involving the dolphins. There is no evidence that this was caused by any activities of the Royal Navy, but of course we will co-operate with any ongoing investigations that there might be into this matter.

Mr. David Hamilton (Midlothian) (Lab): Retention and recruitment is indeed a problem, but is that not as much to do with the fact that we have virtually zero unemployment out there, and will that not continue to be a problem? Surely we should be welcoming those from other Commonwealth countries coming into this country, unlike the Opposition.

Mr. Ainsworth: We have a number of people from the Commonwealth in various parts of our armed forces, and a long tradition of accepting such people into our armed forces. I would hope that Members from all sections of the House support that practice continuing.

Sir Patrick Cormack (South Staffordshire) (Con): What steps is the Secretary of State for Defence taking to ensure that the recent extraordinary resolution passed by the National Union of Teachers does not have an adverse effect on recruiting?

Des Browne: I have made it clear in the past from this Dispatch Box that I value the increasingly improving relationship between our schools and the armed forces. I have said before—this is my observation—that the more that, around Easter time, certain organisations bring attention to this issue in a critical fashion, the more demand we get for the armed forces to visit schools. So I am quite content that this issue be in the forefront of people's minds because unequivocally, when the armed forces visit schools, as they do through the Skill Force programme, they add significant value to those schools.

Andrew Mackinlay (Thurrock) (Lab): May I press the Minister for an early completion of the review into the tariff levels of the armed forces compensation scheme? Will he also give an assurance to the House that when that review is completed, it will be published? This is important to many ex-service organisations, the Royal British Legion in particular, and to many of our constituents.

Derek Twigg: As my hon. Friend knows, we made some changes to the scheme last year to take account of multiple injuries, but as I announced previously in the House, a review is under way, on which I can assure him there will be wide consultation. We are considering a variety of matters, and we will publish the review when it has been completed.

John Reid (Airdrie and Shotts) (Lab): In congratulating my right hon. Friend on the recent announcement on the carriers, may I ask him to confirm that this is not only an affirmation of the needs of the Royal Navy but a statement of confidence in those who rarely feature on honours lists or wear a uniform, but who are essential for the defence effort of this country—our shipyard workers? Will he make it plain that, whatever the outcome of a future review, the carrier programme will remain at the centre of the Royal Navy's needs and of the shipbuilding of this country?

Des Browne: My right hon. Friend is singularly well-placed to be able to comment on these issues, not just because of his contribution to the maintenance of our armed forces through serving as Minister for the Armed Forces and Secretary of State for Defence, but through his crucial contribution to the maintenance, preservation and building up of our shipbuilding industry when he was Secretary of State for Scotland. My right hon. Friend knows more than anybody else how dependent on such work the shipbuilding industry is, particularly in Scotland, and the extent to which that relationship is at the heart of the United Kingdom. Those who work in those yards know fine well that if they are to preserve the skill base and to continue the historic contribution that they have made into the future for decades or more, it will depend on the British Government relying on their skill base in order to maintain the capability of the Royal Navy.

Afghanistan

3.35 pm

The Secretary of State for Defence (Des Browne): Last December, my right hon. Friend the Prime Minister set out a clear and long-term framework for bringing security and political, social and economic development to Afghanistan. I would like to give the House an update on some of the progress that we have made since then in Afghanistan, based on my most recent visit to Afghanistan last month, and to set out future plans for the UK's military contribution to the NATO-led international security assistance force—ISAF.

The security situation in Afghanistan has improved in the past 12 months. The Taliban's leadership has been targeted successfully, and recent operations in southern Helmand have disrupted severely their training and lines of communication. That has had two principal effects. First, their sphere of influence has been reduced; nine tenths of the security incidents are confined to one tenth of the country, and the rest is relatively peaceful. Secondly, we have seen them reduce their ambition from insurgency to terrorism. The Taliban's campaign is now limited to intimidating Afghan communities, coercing the vulnerable into becoming suicide bombers and carrying out brutal and indiscriminate attacks on the international community and, above all, on the Afghan men, women and children themselves. As the Taliban's conventional attacks have failed, we have seen their tactics shift to the use of mines, roadside bombs and suicide vests. Those tactics run deeply counter to the Afghan culture, as does the Taliban's reliance on paid foreign fighters—the so-called "$10 Talibs", who now make up the majority of those doing the fighting for them. I fully recognise that the Taliban's new tactics pose a different but very serious challenge, both to our forces and to the local people. We need to ensure that we do all that we can to mitigate the new danger, and I am fully engaged on ensuring that we do so.

I share the understandable international concern about the breakout from Kandahar prison that took place on Friday 13 June. The Government of Afghanistan are leading the response to the incident and we are monitoring that closely. We have always said that the challenge of supporting an Afghan lead on security goes wider than providing support to the Afghan armed forces to include the justice sector, and we are already engaged in supporting a programme of justice reform that includes work on prisons. International support to the Afghan Government's security response is being provided through NATO's presence in Kandahar. Let me conclude on this point by saying that notwithstanding the extremely serious nature of this incident, it does not change our view that the Taliban are losing the fight in southern Afghanistan.

The Afghan people, like people the world over, long for security, stability and prosperity. They understand that the Taliban cannot deliver those things. Our forces, alongside the US, Canadian, Dutch, Australian and Danish forces, and many others, are in Afghanistan to fulfil a UN mandate, to support the elected Government, to train and mentor the Afghan army and police, and to give the Afghan people hope for the future. I believe, as I think do the majority of this House, that Afghanistan is a noble cause, but we also know that it comes at a tragic human cost, as we have been reminded over the past week. The recent deaths of five members of 2 Para—as well as the 97 other UK fatalities in Afghanistan since 2002 and all those UK personnel who have been wounded or otherwise scarred by this conflict—are an enduring measure of the dangers that our young servicemen and women face on operations on our behalf.

The military know better than anyone that this is a campaign that cannot be won by military means alone. Once security has improved—it has already improved—delivering improvements in infrastructure, governance, the rule of law, schools, hospitals and services must follow. Generating those things in a country that has been devastated by decades of conflict and that is the fourth poorest country in the world is difficult and challenging—it will be a long-term endeavour. But I saw real progress there during my trip, and there is now a tangible sense that life for many Afghans is improving. In Helmand, they have a new and extremely able governor—Governor Mangal—who is spreading the writ of the Government of Afghanistan further into that once lawless province. During the week of my visit, the local people of Garmsir reopened their hospital for the first time in two years. In Lashkar Gah, they had also just opened a new high school, and some of the girls attending that school will represent the first women in their families ever to go to school and receive an education.

We the UK are not alone in our commitment to Afghanistan. Last week, 80 countries and international organisations met in Paris at the international conference in support of Afghanistan. In Paris, the Afghan Government's national development strategy was launched. That plan provides an Afghan blueprint for the future development of their country. Last week in Paris, the international community pledged $20.4 billion to help to fund it and reaffirmed its support for Kai Eide's role in co-ordinating its efforts to help to deliver it.

I am not underestimating how much remains to be done, but the green shoots of development and democracy are becoming even more firmly rooted in a security environment that has improved out of all measure since UK forces deployed in southern Afghanistan two years ago.

The focus on development does not mean that we are complacent about security—in fact, far from it. As I said before, the shift in tactics, while being in one sense a sign of strategic weakness, presents us with a different but still very serious challenge—one that our forces are confronting with the same courage, professionalism and intelligence that they have shown throughout the campaign. At the same time, the Prime Minister's December statement made it clear that, over time, we plan to rebalance our military commitment from one based on direct combat operations to one of support for the Afghans' own security forces. There is some good news here: the Afghan national army is a success story. Afghan soldiers are fearless and redoubtable fighters and the ANA is respected and admired by the Afghan people. Their professional competence is also increasing by the day. The first ANA kandak—or battalion—has now reached capability milestone 1, which means that it is capable of fully independent operations. Our soldiers are finding that the mentoring that the Afghan national army requires has reduced as its capability and experience has grown. That is no mean achievement.

[Des Browne]

Creating an effective police force is, however, proving to be a more difficult challenge. To accelerate that process, the coalition has introduced a process called focused district development, which is, in effect, a mass training and retraining of the Afghan national police, district by district. That ambitious plan has an annual budget of $2 billion, and it is making a big difference. But we have to accept that creating an independent, effective police force in Afghanistan will not happen overnight.

Counter-insurgency campaigns are ultimately about winning the support of the local population. With the diminishing relevance of the Taliban's campaign and the increasing delivery of development, I am in little doubt that we are winning that, too. It is in this context that I have, with the military advice of the chiefs of staff, decided to make a number of adjustments to the profile of our forces in Afghanistan. Currently, we have 7,800 troops in Afghanistan deployed to Helmand, Kandahar and Kabul. As a result of a recent review, I have approved the removal of around 400 posts from the Afghan operational establishment table. Those posts are no longer required due to reorganisation and the changed nature of the tactical situation. At the same time, we have identified a requirement for, in total, 630 new posts, creating a net increase in our forces in Afghanistan of some 230 personnel, to around 8,030 by spring 2009.

Broadly, those adjustments have three aims: first, to improve the protection afforded to our personnel; secondly, to increase the capacity of our forces to deliver training and mentoring to the Afghan national security forces; and thirdly, to increase the capacity of our forces to deliver the civil effects of reconstruction and development in an insecure or semi-secure environment. All those aims are vital if we are to sustain the progress that we are making.

Let me set out the nature of those changes. The first objective of the force adjustments is to increase the protection that we are able to give to our brave servicemen and women as they conduct their mission in Afghanistan. In the months ahead, we will deploy more troops to man the additional Viking and Mastiff vehicles that we have already ordered. Further specialists will deploy to man reconnaissance and warning systems in our forward operating bases in Helmand. We will also reinforce the Royal Air Force Regiment squadron that helps defend Kandahar airfield.

The House will recall that the improvements that we have made to ground support and crewing arrangements for our CH-47 Chinook and AH-64 Apache helicopters have increased the total amount of flying time per month available to our commanders in Afghanistan. Part of the uplift will be delivered by an increase in helicopter crews, which I am announcing today.

Among the most potent of all our capabilities in deterring and denying the insurgency is our ability to project close air support. In Afghanistan we have a contingent of Harrier GR7/GR9s that have proven time and again their value in defending the lives of our troops, our allies and those whom they are there to protect. The Harrier force first deployed to Kandahar airfield in November 2004 and has been operational continuously ever since. That is an impressive record by any standards, but I am mindful of the strain that that extended deployment has put upon the crews, their families and the wider role of Joint Force Harrier. I have therefore decided to withdraw the Harrier force by spring 2009 and to replace it with an equivalent force of Tornado GR4s.

I have already mentioned that by developing the Afghan security forces we are setting the conditions to allow them to take an increased role in their own security. To accelerate that we will expand our fourth operational mentor and liaison team to accelerate the development of the Afghan national army, and we will continue to train the Afghan national police. In particular, we will focus our efforts to help Afghan national army and police commanders to develop the skills they need to lead their forces effectively in a demanding and often very dangerous area.

The improved security situation that our forces are generating has provided us with a real opportunity to increase the rate of our delivery of civil effect. I have therefore decided that when 3 Commando Brigade deploys to Afghanistan this October, it will deploy with an additional infantry battalion headquarters and sub-unit. The forces will operate in southern Helmand to ensure that we are able to consolidate and exploit the security gains that we have made in that area and 3 Commando Brigade will also deploy with an extra troop of Royal Engineers to support our provincial reconstruction team by undertaking quick impact projects in support of the local community. Those forces will be supported by more medical, logistical and equipment support troops.

In addition we will attach civil-military co-operation officers to each of our battle groups and we will form military stabilisation teams on the model of the ad hoc team that we deployed with great success in the wake of the reoccupation of Musa Qala. Both measures will enable us to take forward development projects including quick impact projects in areas where the level of threat remains high.

My announcement today of a net uplift of 230 additional troops does not in proportionate terms represent a very significant increase. It does mean our mission is expanding. It means we are taking the steps necessary to take our mission forward as effectively as we can, with a force whose profile and capabilities are optimised to the conditions that they face. As I have explained, the uplift and rebalancing will enable our forces to strengthen their protection and to increase the rate at which they can build Afghan capacity in security, governance and development. Some of those new capabilities will need a year before they are available for operations in Afghanistan, but others will deploy much sooner. Of course, we shall continue to work to develop the optimum balance of forces and capabilities, in conjunction with the Afghan Government and our allies, in what can be rapidly changing conditions. The additional forces will ensure we can maintain the growing reach of the Afghan Government in Helmand, increase the military contribution to development and accelerate the pace of Afghanisation.

We talk in this House in terms of numbers, units, and strategies, but as the events of the last week have reminded us all, behind these numbers are individual young men or women, working courageously in strange, difficult and dangerous conditions far from their family back home. I am constantly impressed by their bravery and resourcefulness, and on behalf of the Government

and I am sure the whole House I express our gratitude for their service to the nation, and commit myself to continuing to do everything we can to support them.

I commend the statement to the House.

Dr. Liam Fox (Woodspring) (Con): I thank the Secretary of State for his statement and for advance sight of it. I fully associate the Conservative party with all that he has said about our servicemen and women and the dangers that they face.

Those who have given their lives in Afghanistan are irreplaceable to their families and friends and we will remember those families in our thoughts and prayers. We will also share their pride that we still have professional and courageous servicemen and women who are brave enough to sacrifice themselves for the security of the people of this country.

We must always remember that we are in Afghanistan for reasons of national security, to deny a safe haven to those who would commit indiscriminate acts of terrorist murder on men, women and children. We must remember that it is an international mission sanctioned by the UN and led by NATO. The Afghanistan compact, which followed the London conference, set out four objectives: increased security, drug reduction, an efficient Executive and economic and social development. Progress has been made on social development, but the process of government remains compromised by corruption and a lack of co-ordination between the military, reconstruction and political missions. The military command also needs greater clarity of purpose and simplification of structure—a point regularly raised by my right hon. Friend the Leader of the Opposition, and he raised it again today in talks with President Bush.

There has been no progress on the drugs issue, with no alternative sources of income being made available to those for whom growing poppies is the only means of feeding themselves. If anything, the situation has deteriorated. Security has improved in some parts of the country, as the Secretary of State said, but it remains undermined in the south by the continued insurgency, the breakout of Taliban prisoners in Kandahar, and the Pakistani Government's attitude to border issues. A former NATO commander, General McNeill, recently said that more troops were needed to defeat the Taliban-led insurgency. He said that

"it's an under-resourced force",

and he expressed concern that NATO could become a "two-tiered alliance", with an insufficient number of countries truly committed to fighting against the Taliban.

We have seen how the fighting in the south of the country has been left to the Americans, the British, the Canadians, the Dutch and a number of valiant smaller forces, while some of the biggest NATO allies have been risk averse, to say the least. Will the Secretary of State give the House an assessment of how great a threat is posed to the achievement of the aims of the Afghan compact by the underactivity of some of our NATO allies, and does he agree that the message from the United Kingdom should be that it is unacceptable for all those in NATO to have the same insurance policy if only some of us pay the full premiums?

We will now have 8,000 personnel in Afghanistan and 4,000 personnel on active operations in Iraq. We have consistently raised concerns about the force size in Afghanistan. Does the Secretary of State believe that, with the increase that he announced today, the force size is now sufficient for the safety and effectiveness of our troops, and can he tell us by how many troops General McNeill believes NATO, as a whole, is short? How confident can the Secretary of State be that he can fill the 630 new posts that he announced today with correctly qualified personnel who have had sufficient rest and training? He tells us that some of the announcements that he made today will take a year to come into effect; can he be more specific on that point?

Recent deaths in Afghanistan have shown the Taliban's shift towards suicide bombing as a tactic. We have seen in Iraq what that can mean. Will the Secretary of State give an assurance that all necessary protective equipment is available to minimise the risk to our armed forces on the ground, and can he give an assurance that there is the fullest co-operation from the Afghan police and military in attempting to minimise those threats? The increase announced today was predictable, but does it not make a mockery of the Government's national security strategy, published only 12 weeks ago, which said that

"we are entering a phase of overall reduced commitments, recuperation of our people, and regrowth and reinvestment in capabilities and training"?

That is a dangerous and harmful fantasy; what we have is overstretch.

I believe that the Government are genuinely committed to a successful outcome in Afghanistan, and they know that they have our full support on that objective, but they need urgently to address the gap between commitments and military capabilities if we are to succeed. Above all, we need to recalibrate expectations. We cannot simply drop a Jeffersonian democracy on to a broken 13th-century state and expect it to work in five or even 10 years' time. It will be a long haul, so we must properly plan for a long haul, and not for six-month rotations for our commanders, or sixth-month or annual budget allocations for reconstruction efforts. We need to bring our military and financial planning into line with the political reality. I am sure that those on both sides of the House agree strongly that the costs of failure are far too high to contemplate.

Des Browne: The hon. Gentleman and I have discussed both inside and outside the House the mission in Afghanistan, on many occasions. It may not appear so from his contribution, but there is much less between us than people who heard him for the first time today might imagine. I am grateful to him and his Front-Bench colleagues for the support that they have consistently given our mission, and for their appreciation of the complexity involved, which was implicit in his contribution.

The hon. Gentleman made so many points that if I sought to answer them all, I would stretch the patience of the House, so I promise to do what I usually do in the circumstances. I will read the *Hansard* record of his questions carefully, and if I do not deal with them, I will respond in writing, so that everyone in the House can see the answers to his specific questions. However, the heart or gravaman of what he said must be responded to. I carefully constructed the statement to the House to show that we were responding to changed circumstances on the ground, which have been brought about by an acceleration of progress in the past 12 months, largely

[Des Browne]

because of the contribution of our forces, but not only because of that, as he knows. Indeed, the situation in the south of Helmand province has largely been created by the deployment of the marine expeditionary unit that served with our forces in the lower part of the Helmand valley, and which has transformed the area around the town of Garmsir. I am responding to that, because that marine expeditionary unit plans to be there only until about November, so we are putting some forces down there who will work alongside Afghan security forces to hold what has been achieved and keep the Taliban from reinfecting that part of the country.

May I tell the House—and I think that this is important—that there are of the order of 17 countries in ISAF represented in either the south or the east, where the heavy lifting is being done? I agree with the hon. Gentleman about sharing the burden across the whole alliance. I repeatedly make those points, and there is now some success to be gleaned from that advocacy, in which I and indeed others engage in NATO. I should share the statistics with the House, because they show an impressive commitment by the alliance, the broader ISAF alljance and, principally, by NATO. When NATO met in Riga last year, there were 32,000 forces in the ISAF. When we met in Bucharest, there were 47,000, but when NATO Ministers met in Brussels only last week, there were 50,000, and those numbers are increasing. That is a measure of the level of commitment: there are more helicopters, there is more helicopter time, and other allies are now taking steps, in conjunction with initiatives that we have generated, to improve helicopter availability. In short, the NATO alliance has been transformed by its engagement in Afghanistan. I have a different way of going about it from the hon. Gentleman, but I think that my way has shown significant progress in that regard, in the number of countries that are there, the absence of caveats for their forces, and the significant increase of force deployed in the south.

Mr. Don Touhig (Islwyn) (Lab/Co-op): My right hon. Friend the Prime Minister said in the House on 11 June that we are making progress in training the Afghan army and police. Clearly the statement by my right hon. Friend the Secretary of State takes that forward—especially the additional deployment for training purposes. Does he have in mind a time frame for the completion of the training of the Afghan army?

Des Browne: We have trained 55,000 members of the Afghan army to date, but they are not all trained to the level at which they can conduct operations without significant support from command and control, logistics and planning. As I said to the House earlier in Defence questions, the first kandak of that army has reached capability measurement 1, which means that it is capable of moving forward. There are other niche capabilities in the Afghan national army and security forces that are very effective. The other day, we saw the biggest ever haul of drugs seized by an Afghan force which we trained in part.

From here, it is impossible to put a time limit on when that army will be able to conduct large-scale security operations on its own, but my right hon. Friend ought to look at what has happened recently in Iraq. In a comparatively short period, the Iraqi army has gone from being almost totally dependent on the support of the allies to being capable of carrying out operations that it plans and commands itself. When one reaches the tipping point in relation to the training of an army, then, at least in my experience over the past two years, the process of improvement accelerates quite dramatically.

Nick Harvey (North Devon) (LD): I welcome the statement, the progress that the Government have been able to report and the reaffirmation of their acknowledgement that the situation cannot be won by military means alone. Specifically, I welcome the news that extra Engineers are going and the emphasis on giving them the ability to focus on civil reconstruction work. I also welcome very much the increase in helicopter crew numbers.

I, too, recently visited Afghanistan, and I was deeply impressed by the work of our young men—they are, in the main, very young men—particularly in searing heat of more than 50°C. It was truly humbling to see at close quarters just what they are doing on our behalf. I pay tribute to all those who are serving in Afghanistan, and have done, on our behalf. I was also very impressed by the deeply thoughtful and measured way in which the British troops go about their tasks and how the long-term impact of everything they do is always very clearly in their minds.

We did not hear in the statement anything specific about the poppy crop, and I should be interested to hear from the Secretary of State whether this year there has been any progress in persuading Afghan farmers to plant alternative crops. Last year's poppy crop was the biggest ever. That in itself is worrying, but with the price having dropped there may be better prospects for persuading farmers to look for alternatives.

When I returned from that visit, my biggest concern was the state of British public opinion, which does not truly understand what we are doing in Afghanistan, why we are doing it, or how long it will take. Given that there is broad political consensus in the House on the issue and we are all committed to the long term, between us we must do something to try to move public opinion forward. In that regard, it is a matter of regret—to me at least—that the announcement should have been made on a day when George W. Bush is in the country. I fear that there is confusion in the public's mind between what we are doing in Afghanistan and in Iraq. The biggest connection between the two is overstretch, and the sooner the public can be persuaded to see those situations separately, the better our chances are of getting the public on board for a long haul in Afghanistan.

Des Browne: The timing of the new announcement was dictated by the decisions that were made. Once they had been made, I determined that I would come to the House at the earliest possible opportunity to explain them. Unfortunately, I had to be at a NATO meeting last week, on Thursday and Friday, otherwise I would have been able to make the statement earlier. I always try to make statements to the House at the earliest possible opportunity.

I welcome the hon. Gentleman's introductory remarks and am delighted that he and his party are in exactly the same place as the significant majority of those in the

House and, indeed, in the other place in respect of what we are seeking to do in Afghanistan. Of course, many people say that the mission is impossible. They either say that it cannot be done and we should not be engaged in Afghanistan, or they misrepresent the situation. They do exactly what I suspect the hon. Gentleman fears in respect of the coincidence of the visit of the President of the United States and the statement, which is to look at everything that we do militarily through the prism of Iraq. That is deeply unhelpful. I have spent a lot of my time as Secretary of State trying to persuade our media that Afghanistan is the right place for our people to be. The fact that 40 countries are involved and that many of the most developed social democratic countries in the world are present with troops on the ground is an indication of just how right it is.

This morning I had a conversation with the Secretary-General of the United Nations, Ban Ki-moon, in which his support for what we are seeking to do in the context of the Security Council resolution was completely unwavering. We all have a responsibility to try to shift British public opinion. I believe that it has shifted in relation to the rightness of the mission and the military objectives, and we now have to shift it in relation to the progress being made in all the other complementary parts of the comprehensive approach and explain to the public that we need strategic patience in order to do what we are doing in a very difficult and challenging environment.

As for counter-narcotics, this year we will, as usual, have to wait for the official count as regards the assessment of the poppy crop, but early indications suggest that we have stabilised or reduced the production of poppy. There may be several reasons for that. The hon. Gentleman rightly identifies that that generates an opportunity. The whole focus of our efforts in northern Helmand is designed to put together the secure spaces that we have generated and to control the ability to communicate between them. That is part of the key to creating a secure logistical environment for moving other, legitimate, crops around so that they will not be taken advantage of by the Taliban. That will be key to building sustainable alternative crops for the farmers in Helmand province.

Ann McKechin (Glasgow, North) (Lab): I join my right hon. Friend in supporting the considerable efforts of British forces in Afghanistan, particularly because failure would result in the complete reversal of women's rights in that country. However, I still believe that we pay far too little attention to engaging with women in terms of solutions for the security of Afghanistan. I would be grateful if he could confirm how many servicewomen will be going to Afghanistan as a result of his announcement; whether we have recruited any female translators, who are often the only people who can communicate with women on the ground; and what efforts are being made by ISAF to adopt a comprehensive plan regarding UN Security Council resolution 1325.

Des Browne: My hon. Friend makes several important points. She will be aware that the representation of women in the Parliament of Afghanistan is proportionally greater than the representation of women in our Parliament, although that is not the end of the story. She will also be aware that a third of the young people—6 million—who are in education in Afghanistan are girls or young women, none of whom were educated under the Taliban. As she knows, there are still attacks on women and occasions when things happen particularly to women that suggest we are not making any progress, but we need to ask ourselves whether the lot of women in Afghanistan would be better if we were there or not there. I was in Lashkar Gah a couple of weeks ago and saw significant numbers of women on the streets of that community for the first time, and I know which way they would vote.

On my hon. Friend's specific questions, I do not imagine that she expects me to have those statistics at my fingertips, but I will ensure that she gets them and that they are given to her in such a way that everybody else in the House can share that knowledge.

Sir Peter Tapsell (Louth and Horncastle) (Con): After another sad week in Afghanistan, may I remind the Defence Secretary that on 27 February 2006 I warned his predecessor that we could not hope to fulfil our declared objectives in that country with 100,000 troops or even 300,000 troops? Recently, the outgoing NATO general has said that he would wish to see 400,000 troops there. What is the point of sending yet another small contingent, particularly bearing in mind the fact that the main terrorist training grounds are in Pakistan and that the great majority of our NATO allies are determined not to allow their troops to become committed in serious fighting?

Des Browne: The hon. Gentleman has the merit of consistency, but in my view—he knows that I have enormous respect for him—he is consistently wrong on this subject, and I am absolutely determined to prove him wrong in respect of the observations he made to my right hon. Friend the former Defence Secretary on 27 February 2006. I have been in Afghanistan on many occasions in the past 25 months; with respect, I am not sure whether he has been once. If he wishes to come with me to Afghanistan, I will take him there. He can see on the ground what our people are doing and talk to our troops—

Sir Peter Tapsell *indicated assent.*

Des Browne: But mostly, he can talk to Afghans. The significant difference between his historical analysis of the situation and what we are doing is that on previous occasions those who failed in Afghanistan were fighting the Afghans, whereas we are fighting with the Afghans. That is the significant difference.

Mr. Chris Mullin (Sunderland, South) (Lab): I pay tribute to my constituent, Private Cuthbertson, who was killed in Afghanistan last week.

May I ask the Secretary of State what assurance he can give regarding steps being taken to avoid civilian casualties in Afghanistan? As he will know, in the past there have been a large number of civilian casualties, which has been a source of friction between NATO forces and President Karzai. I would be grateful to know what we are doing to minimise them and what recompense is available when they occur.

Des Browne: I also pay tribute to my hon. Friend's constituent. I am sure that my hon. Friend has been a

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support to the family and friends involved, and has made it clear to them that the deaths, terrible as they are, and which can never be explained in a way that is satisfactory to families, are part of a greater whole that has made a significant difference to many millions of people in Afghanistan. The men and women who do this work are genuine heroes. With respect, that work is not restricted to members of the armed forces. A number of young men and women working in Afghanistan come from Departments of State, including civil servants from the Ministry of Defence; they have volunteered to work in that difficult environment and are doing a sterling job.

My hon. Friend raises an important point, which I know exercises him, and we have discussed it on several occasions. The most relevant part of his question was his use of the past tense. We have made significant improvements. The last commander of ISAF, General McNeill, was very conscious of the effect that collateral damage, or civilian casualties, had on the overall mission, apart from the effect that it was having on those people caught up in it. He issued a series of instructions dealing with the issues raised by my hon. Friend, and they have had a significant effect. We should never forget that all the civilian casualties caused by ISAF operations are accidental. Those caused by the Taliban are, more often than not, caused deliberately.

Bob Russell (Colchester) (LD): Last week, I met the chairman of the Helmand provincial council, who was visiting London, and he mentioned the positive help given to provide security against insurgents, the training being given to the Afghan police and army, and reconstruction work, including the building of schools, hospitals, clinics, houses and roads. It was a positive speech, and I took great comfort from the knowledge that none of that could have come about were it not for the bravery of our armed forces. The Secretary of State referred to Afghanistan as a noble cause. In order that the British people fully appreciate that, could I urge him to redouble his efforts so that people know that our military personnel are making a huge difference to the lives of ordinary Afghans, ensuring that their country does not return to being a haven from which terrorism is exported around the world?

Des Browne: I am very grateful to the hon. Gentleman because I saw his news release following his meeting with the chairman of the Helmand provincial council. He has done what is necessary, which is explain to the people of his constituency, through an Afghan voice, exactly what our young men and women are achieving. The quotations included in the press release from that genuine Afghan voice speak much more eloquently than Ministers of the Crown, the armed forces or, with all due respect, Members of this House could. What we need—and I have been trying to get—are more Afghans telling us the substantial difference between life now and what it was only five or six years ago, because of the presence of our young men and women in their country. That message will convince our people that the sacrifices and investments that we make in Afghanistan are worth while. Not only that, but when we get that country into some sort of stabilised position and can deal with the issues, which the hon. Member for Woodspring (Dr. Fox) rightly identified, of governance, corruption and counter-narcotics, it will make a substantial difference on the streets of our communities, which will be safer and more drug free than they are now.

Mr. Kevan Jones (North Durham) (Lab): I welcome my right hon. Friend's statement and the progress that has been made in Afghanistan. Does he agree that one of the keys to more progress in southern Afghanistan is co-operation with Pakistan? Despite the critical statements that are often made, and which the hon. Member for Woodspring (Dr. Fox) repeated today, does my right hon. Friend agree that Pakistan is making a genuine sacrifice? More than 1,000 Pakistani soldiers have been killed in the northern territories and on the borders of Pakistan.

Des Browne: My hon. Friend raises an issue mentioned by the hon. Member for Woodspring, which is key to a sustainable and peaceful future for Afghanistan. There is a mirror image of Afghanistan's problems on the other side of the border in the Fatah and tribal areas of Pakistan. With respect, hon. Members need to be consistent. We cannot celebrate the election of a democratic Government in Pakistan without living with the consequences of control in that country moving from the military to politics. The engagement with politics in the areas that we are considering will create challenges for that Government, but we universally welcomed the elections, to the extent that they were successful, in Pakistan. However, they have consequences. The army is moving from the position that it previously occupied in the Pakistani community, and that change is important to the future stability of that part of the world. When I was in Afghanistan and subsequently in Pakistan, and when I spoke this morning to the Secretary-General of the United Nations, I concentrated on the need—I know that my colleagues do it all the time with institutions and on visits to the region—to get the two countries to work together across the border, recognise that they share a series of common problems and stop blaming each other for the problems in their countries. That is the only way we will make progress.

Mr. James Arbuthnot (North-East Hampshire) (Con): Following directly from that, does the Secretary of State agree that one of the key issues is that of patrolling the border between Afghanistan and Pakistan? To do that, we need to fulfil the terms of NATO's combined joint statement of requirements—in other words, provide more troops. Does the Secretary of State agree that that is the only way we can avoid the catastrophe of the forces of Afghanistan or Pakistan making incursions into the other? What more can we do about that patrolling?

Des Browne: The necessity for a battle group that can manoeuvre around the border is crucial. However, that is only part of the solution to problems on the border. I emphasise that there are 2,900 km of the most mountainous border one can imagine. There needs to be an acceptance on both sides of it that both countries face the same problems, with the same roots. There are opportunities for the two Governments to speak to each other. Indeed, the Foreign Minister of Pakistan was in Kabul immediately after I was there and after I spoke to him in Pakistan. Some progress was made, although this morning's press conference or statements by President Karzai suggest

that the progress has gone backwards a bit. However, we need to keep working with those two countries so that their forces, which will be there in the long term, recognise the issues that they have in common on that border. If we can get them to live up to commitments made separately to secure and police the border, that is as much a long-term issue as any challenge that we face in that part of the world.

Jeremy Corbyn (Islington, North) (Lab): The Secretary of State made an optimistic statement about Afghanistan. Will he comment on the way in which the Taliban's tactics appear to have changed into that of a guerrilla war against an occupying force? Increasingly, there is pressure on those forces to cross into Pakistan. What effect will that have on the politics of Pakistan? How long does he expect British troops to remain in Afghanistan?

Des Browne: The only answer I am prepared to give to that question is that British troops will remain there until we assess that the Afghan security forces are capable of sustaining the security that has been created. We are making remarkable progress in that regard. To the degree that there was optimism in the entirely realistic statement that I made to the House, it was realistic optimism; but there was some pessimism in it, too. I recognise the challenges that we face, and we have to redouble our efforts to deal with them.

I say with some regret to my hon. Friend that there is no answer to the problems that the Pakistanis and Afghans face in that region that involves the international community turning its back on them. To refer to ISAF, which is in Afghanistan at the request of the democratically elected Government there and supported by a UN Security Council resolution, and which represents almost the whole world—there are no national voices suggesting that we should not be there—as an occupying force that people are somehow justified in fighting against is entirely to misrepresent what we are doing there.

Mr. Mike Hancock (Portsmouth, South) (LD): Although the Secretary of State said that 50,000 Afghan troops had now been trained, fewer than 10,000 of them have been fully equipped. What will NATO do about the shortfall in equipment, to ensure that the 50,000 trained Afghans have the right equipment to allow them to participate in the sort of action in which British troops and others are currently involved?

Des Browne: There are, I think, 55,000 trained Afghans in the national army. There are also a greater number of police officers, who have been partly trained but who substantially need retraining, and we are working our way through that. Properly equipping an army of that size to face an insurgency is a challenging task. Every day we make more investment in doing that, but at the same time we are trying to ensure that the Afghan institutions of government learn how to do that for themselves and to sustain their own army. So we are doing many things, investing billions of dollars from the international community—mostly from the United States of America—in equipping this army to deal with the insurgency challenge that it faces. I cannot give the hon. Gentleman a measure of exactly where we are in that process from the Dispatch Box today, but I know from my observations of that army, as it has been trained and equipped over the past two years, that we have made a lot of progress. All those soldiers who are deployed and working with ours in the south are equipped well enough to deal with what they need to do.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I welcome my right hon. Friend's statement, and in particular his indication of the progress being made militarily, which is a tribute to the courage, commitment and professionalism of our armed services. He has outlined some of the benefits that have now accrued to the Afghan people from our presence, but could he give an assessment of the development of Afghanistan's public infrastructure and national economy?

Des Browne: The Afghan economy has grown at the rate of about 9 per cent. or more a year since 2001. Frankly, however, that masks the problem in the Afghan economy, which is that a substantial proportion of the real economy relies on drugs. Breaking the link between the Afghan economy and its dependence on drugs is crucial. At the heart of that is the ability to deal with the comparatively small number of people who are extremely influential in Afghanistan. My assessment is that if we can develop the governance and justice system of Afghanistan in the short term, so that it can deal with the comparatively small number of very influential families and their leaders, we will be able to make important progress in developing the Afghan economy. However, exactly when we will be able to do that will be a function of our ability to get the Afghan capacity built up. As I said earlier at Question Time, we must bear in mind the fact that Afghanistan has been ravaged by decades of violence and that we start from a very low base.

Mr. Nicholas Soames (Mid-Sussex) (Con): The Secretary of State knows that the whole country should be extremely proud of the performance of British armed forces in Afghanistan. However, even after this welcome, if very small, addition, there are still critical gaps in the military structure which, unless filled, will prevent us from completing the mission successfully. Will the Secretary of State, together with the Prime Minister, urge the Germans, who have remarkable and substantial engineering assets in the north, to realise that their business is south and that we and the Americans will provide them with force protection so that we can get on with the absolutely essential, almost untouched part of the vital reconstruction, without which the mission will not be able to proceed?

Des Browne: The hon. Gentleman makes a very good point. At the NATO ministerial meeting last week, I encouraged all those countries with assets to make a contribution by deploying them in the south. I am sure the hon. Gentleman will forgive me for reminding the House that large parts of Afghanistan have improved immeasurably, but that we have to be very careful not to abandon and leave those areas as the soft underbelly of country, because if we do that is where the Taliban will go. The German Defence Minister reminded me—he was right to do so—that Germany had suffered some casualties where they are and that retaining the north and west and the area around Kabul, which we may be able to see handed over to the Afghans themselves, is quite important. The Taliban have a habit of going

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where the weakest spot is and I certainly do not want them to see success in places where we have already seen significant improvement.

Sarah McCarthy-Fry (Portsmouth, North) (Lab/Co-op): I thank the Secretary of State for his statement and I welcome the increase in CIMIC—Civil Military Co-operation—personnel, which will help to further civil reconstruction. I also welcome the reference in the statement to an increase in flying hours. Will he join me in paying tribute to the workers of Fleetlands, many of whom live in my constituency, who have delivered real improvements in service and repair techniques, which enabled us to have this increased operational capability?

Des Browne: I have no difficulty in acceding to my hon. Friend's request. Everybody who has made a contribution to the success we have enjoyed in Afghanistan, the recognised improvement in security there and the creation of the opportunity to which this announcement is designed to respond deserves the utmost credit. That is true whether they do what they do in uniform or out of it. In whatever way they have contributed, we should celebrate the success of these extraordinarily brave, dedicated and professional people.

Adam Price (Carmarthen, East and Dinefwr) (PC): Last week, President Karzai responded to allegations of corruption within his Administration—his response appeared in *Der Spiegel* magazine—by attacking coalition forces, accusing them of having Afghan warlords on their payroll, of offering other financial inducements in the form of land and, in one case, of using their soldiers for force protection. Will the Secretary of State take this opportunity to confirm that, as far as he is aware, these accusations are entirely baseless? Will he also comment on what this says about President Karzai's attitude to coalition forces?

Des Browne: I do not think the hon. Gentleman believes these allegations either—at least, I hope he does not. There are often people who advise President Karzai of some quite bizarre allegations in respect of ISAF, and I have personally had to disabuse him on many occasions. I remember that on one occasion, a deeply corrupt individual who had access to the President's ear advised him that we were, in fact, training the Taliban; I wondered why that was given any consideration at all.

On the other hand, we have to accept that this man works in a very difficult political environment and that the things he says are quite often edited and presented in a way that he does not intend them to be presented. I know him to be a very brave and honourable man who works in a very difficult and challenging political environment. As we can all imagine, to volunteer to do his job and face all sorts of pressures and attacks on personal safety requires a degree of courage. Frankly, although I often personally disagree with him in his analysis, I respect the man as the democratically elected leader of the country. In my view, we should support him to move forward as long as he is the democratic leader, and we should give him a little bit of leeway in what he says publicly.

Sir Nicholas Winterton (Macclesfield) (Con): The Secretary of State stressed the importance of security and intelligence, saying that he was not complacent. This has not been mentioned so far, but what role does he see for the spy in the sky—the Nimrod aircraft, particularly the upgraded MRA4? They could provide fantastic information from observation and reconnaissance not only over the Pakistan-Afghan border, but from elsewhere, to give warning about what the Taliban are doing and their movements.

Des Browne: The hon. Gentleman makes a good point. One lesson of deploying the current Nimrod to do exactly that in Afghanistan has been an astonishing level of detailed information. He will forgive me if I do not, in public, go into just how effective it can be. I know that those who fly the aircraft look forward to the updated and further-invested version and the capabilities that it will have. This aircraft not only can be used in a maritime environment, but has proved very important to our capability above Afghanistan, and indeed above Iraq.

Mr. Crispin Blunt (Reigate) (Con): What is the basis of the Defence Secretary's statement that half the Taliban's fighters are paid foreigners? Does that include Pashtun speakers from Pakistan and has the break-out of 600 Talib fighters from the prison in Kandahar made any statistical difference to that assessment?

Des Browne: It is probably a bit early to be asking whether people who were sprung from prison on Friday night have made any statistical difference to the people whom we will face. That operation is still ongoing. We are, with others, keeping a careful eye on it and there has been some progress in rearresting some of those who escaped from the prison.

I think I used the phrase the majority of the fighters, so that is more than 50 per cent. What is the basis of that? I will not go into the detail of the figures in the House, but that is our experience from those with whom we are engaged and from the fact that, quite often, we recover people from the battle space because they are injured or identify their bodies later. That information is provided to me by those who are engaged with them.

The particular basis of that assertion arises from the place where there has been the most intense engagement with the Taliban over the last weeks—the southern Helmand area, where the US marine expeditionary unit has been deployed. That is the unit's overwhelming experience of the people it is having to deal with.

Political Parties (Funding and Expenditure)

4.32 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): With permission, Mr. Speaker, I would like to make a statement about the funding of political parties. The Government are today publishing a White Paper on party finance and expenditure in the United Kingdom. Copies are available in the Vote Office and on my Department's website.

How our politics is funded is vital for the health of any democratic system, including ours. Over the last decade, important steps have been taken towards achieving this. In 1998, the Committee on Standards in Public Life, under its then chairman, Lord Neill of Bladen, published a landmark report, which went on to form the basis of the Political Parties, Elections and Referendums Act 2000.

It must also be fundamental to the health of our democracy that the regime for regulating political parties should never be used as a partisan tool by one party against others, and instead that change should be by way of broad cross-party agreement and achieved in a manner that carries wider public support. That spirit led to the passage of the 2000 Act by consensus and continues to be a guiding principle for this—and I hope any—Government's approach.

The 2000 Act represented the first major overhaul of the regulation of party funding and expenditure for more than 100 years. It has greatly helped to improve transparency and standards, but it has not proved sufficient. In the intervening period, there has been continuing public disquiet about many aspects of how parties and politicians are funded. In March 2006, Sir Hayden Phillips was therefore invited by the then Prime Minister, Tony Blair, to conduct a further review, including as to whether state funding should be enhanced in return for a cap on donations.

Sir Hayden's final report was published in this House on 15 March last year. It made major recommendations for reform of the Electoral Commission, for tightening the controls on expenditure, for greater transparency and for a gradual move to enhanced state funding linked to a cap on donations. All parties explicitly welcomed Sir Hayden's report and accepted its main recommendations, including those for cross-party talks chaired by him to take forward the report's recommendations. Those talks proceeded satisfactorily until last year's summer recess. Sir Hayden then issued detailed proposals based on what he judged might form the basis for a consensus between the parties. It is a matter of great regret that, in late October, one of the parties decided to walk out of the talks, making agreement impossible.

Against that background, Her Majesty's Government undertook in the Queen's Speech to bring forward proposals on party finance and expenditure. The White Paper is the result. It proposes measures to improve the regulatory system. It sets out the Government's aspiration for long-term comprehensive reform, building on the model proposed by Sir Hayden Phillips. In those areas where the Government believe that a broad consensus exists, it outlines plans to bring forward immediate legislation, including reform of the Electoral Commission and more effective controls on candidate spending.

The excessive spending by parties and candidates gives rise to the wider problems with party finance that we see today. Repeated independent reviews—including those from Sir Hayden Phillips, the Committee on Standards in Public Life and the then Constitutional Affairs Committee—have called the problem a "spending arms race", although some individuals, I know, still question its existence. But a spending arms race is evident within each electoral cycle. As Sir Hayden's report said, spending by the two largest parties was £90 million in the 12 months preceding the 2005 election, up from £65 million in the 12 months before the 2001 election. That was despite the campaign limit being set at £20 million for each party. Although the parties did not act unlawfully, their ability to spend well above the campaign limit under the Act reveals a problem with the rules. In the interests of democracy, we need finally to achieve what all parties had sought to do through the 2000 Act, and to stop this damaging arms race.

The White Paper proposes some important steps for immediate action. Strengthening the Electoral Commission will send a clear signal that politics and politicians are effectively scrutinised: never above the law. The Electoral Commission will have robust civil sanctions to deploy, with criminal proceedings as an alternative. The commission will have more effective investigatory powers, enabling it to access information from anybody when it suspects a breach of the rules. Its governance arrangements will be overhauled better to ensure that greater practical experience is available to it.

The Committee on Standards in Public Life, the then Constitutional Affairs Committee and Sir Hayden Phillips all recommended that the commission would benefit from the knowledge and judgment of individuals with political backgrounds. Therefore, we propose, as the Committee on Standards in Public Life recommended, the appointment of four commissioners with recent political experience and fewer restrictions on staff appointments. Far from politicising the Commission, that will enable it better to understand the people it regulates and so help it to do a more effective job.

There has been widespread concern that a loophole in the 2000 Act has allowed certain unincorporated associations to obscure the original source of donations to parties. Therefore, as the Phillips review proposed, those will be better regulated, as will third-party campaigning organisations.

Let me turn to spending by parties. In 2000, when I took through the Political Parties, Elections and Referendums Act, all believed that we were, in the words of Lord Neill's report, "buttressing" the existing restrictions on spending, including those in the Representation of the People Act 1983 and its predecessors. What we did not foresee at the time was the likelihood of significant increased and unregulated candidate spending as a result of the detailed drafting of the Bill, although the late Lord Mackay of Ardbrecknish, who was on the Conservative Front Bench, sought to alert us to the problem by tabling a clarifying amendment on behalf of his party.

The White Paper proposes a return to the system of "triggering", which will regulate all candidate spending directed towards electoral success, and which was a key feature of the last Administration's 1983 Act. A stronger, more focused Electoral Commission will help to avoid

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the previous uncertainty about the rules. In parallel with that, we propose to re-examine the list of activities that are defined as campaign spending.

Let me turn to the question of introducing donation caps in return for enhanced state funding. To do that, we would have to carry with us not only all the main parties, but the public—the taxpayer—as well. That is not happening at present. We are very ready to have the debate, and, indeed, to discuss donation caps at a lower level than Sir Hayden recommended, but that will require us to come together to allow discussion between the parties and the public. I intend to introduce a Bill before the summer recess, but with Second Reading taking place in the early autumn and the other stages being carried over into the next Session. That will provide ample opportunity both for comments to be made to us and for scrutiny to be carried out.

By any international comparison, the standards of our political system have long been high. Nothing more infuriates most Members of Parliament, local councillors and, especially, the thousands of unpaid voluntary activists in all parties than the fact that their work and good faith can be tainted by the failures of a very few. However, perceptions matter hugely. I hope the whole House recognises the imperative in these circumstances of strengthening the probity of British politics and of people's faith in our democratic process as a whole. That is the principal aim of the White Paper, and we hope that all parties will support us in our endeavour. I commend the statement and the White Paper to the House.

Mr. Francis Maude (Horsham) (Con): I thank the Secretary of State for advance sight of his statement and of the White Paper. I think the whole House will agree that party funding reform is very much needed to restore trust in our politics, and to deal with the perception that large donations, whether from individuals or from organisations such as trade unions, can buy undue influence over policy or patronage.

I entirely agree with the Secretary of State that perceptions matter hugely. That is why we produced radical reform proposals early in 2006, well before Sir Hayden's appointment. Sir Hayden, incidentally, deserves our huge thanks for the enormous work that he put in. His proposals on Electoral Commission reform are especially welcome. We took part in the discussions enthusiastically, and, as evidence of our commitment to reaching agreement, even accepted that an overall settlement could include an increase in state funding, although we neither seek that nor consider it desirable. We further accepted that there could be overall caps on spending by parties, although it is clearly how money is raised that worries the public, not how much is spent. *[Interruption.]* It is interesting to note that Sir Hayden's terms of reference refer only to donations. Spending by parties does not even get a mention.

The Secretary of State will recollect that, in setting up the review, Tony Blair said explicitly that there would be no no-go areas and, in particular, that trade union funding should not be exempt from any donation caps. Was it not always understood that reform must be comprehensive, and that there should be no cherry-picking to serve the governing party's partisan interests—that nothing would be agreed until everything was agreed? Does the Secretary of State accept that a partisan Bill now cannot provide the basis for a long-term and sustainable settlement? Has he read the independent research by Dr. Pinto-Duschinsky, which shows that there is no arms race in party spending? Is this not a myth to give credence to a bankrupt Labour party's desire to hamstring its opponents?

Will the Justice Secretary agree that the discussions came very close to overall agreement, but foundered on the key issue of whether trade union donations should be subject to donation caps on the same basis as other donations? Will he now place in the Library the minutes and the background papers to the review, which will show that it was Labour's refusal to allow further work on trade union funding that brought the talks to an end? Does he recall that he and Peter Watt—the then Labour general secretary—refused point blank even to discuss giving trade union members the right to a real choice in whether to pay the political levy? *[Interruption.]* Well, does the Secretary of State remember the revelation that a Lib Dem MP received a ballot paper for Labour's leadership contest, having unwittingly become a Labour party member through a trade union? Will he not acknowledge that when trade unions routinely declare that 100 per cent. of their members—and in two cases, more than 100 per cent.—are paying the political levy, the idea that these are voluntary individual donations to Labour are laughable, especially when polling shows that fewer than half of union members even vote Labour, let alone want to support it financially?

Does the Secretary of State accept that his proposal to reintroduce "triggering" was not even part of Sir Hayden's draft agreement? Is not this change designed to make it more difficult—a caption in the White Paper makes this clear—for candidates to campaign effectively, and thus to benefit sitting Labour MPs? Does the Secretary of State not understand that it would be an atrocious abuse of power for the Government to force through restrictions on what parliamentary candidates can spend from money they have raised privately, while sitting MPs can spend ever-more taxpayers' money on promoting themselves?

Last year, we came close to an overall comprehensive agreement that could genuinely have started to repair the public's trust in politics and I say to the Justice Secretary that we can still achieve this. However, it would require Labour to accept that dependence on a small number of union bosses has to end. Sadly, it is hard to see that happening when 92 per cent. of Labour's income comes from the unions, which even now are squaring up to demand their payback in the form of a Warwick agreement mark 2. It is precisely Labour's dependence on these union bosses and the big donor culture that is preventing us from getting the reform that our politics so desperately needs.

Mr. Straw: I greatly regret the tone adopted by the right hon. Gentleman, and his unsuccessful and thin efforts to rewrite the history of what happened in respect of the Hayden Phillips discussions, for as he knows—and as the hon. Member for Somerton and Frome (Mr. Heath), who was present, has stated—the truth is that we, the Conservative party and the Liberal Democrats all said on 15 March that we were ready to negotiate on the basis of the Hayden Phillips

recommendations, and we did so. Indeed, we continued to negotiate on that basis until there was a sudden change, late in the summer of last year, in the policy and approach of the Conservative party. The hon. Member for Somerton and Frome told the House that

"the process that led to the breakdown of the talks...was caused by the Conservatives walking away."—[*Official Report*, 7 November 2007; Vol. 467, c. 224.]

The right hon. Gentleman may, if he wishes, put in a freedom of information request for the minutes, but he has not yet done so. That would deal with this situation, however. An independent individual could judge the issue. We would consider this, but it is a matter for Hayden Phillips, not for me. However, we do not need FOI requests or the minutes of the meeting, because two other Members of this Chamber, as well as the right hon. Gentleman, bear witness to precisely what happened. The truth is that, as we have just witnessed from his partisan approach—which was totally different from the one that he and his party colleagues adopted in the working party—the Conservative party decided to move away from the main recommendations of the Hayden Phillips report. *[Interruption.]* Did the right hon. Gentleman say, "Yes"? *[Interruption.]* Indeed, Hayden Phillips did deal with the issue of trade union funding.

We made it clear, before and afterwards, that we were ready to implement what Sir Hayden Phillips proposed, but the Conservative party sought to recommend something very different, breaking not only the spirit of what he had said, but, for example, of what the Constitutional Affairs Select Committee had said. It said, again endorsed by Sir Hayden Phillips, words to the effect that no party had the right by legislation to seek to change the constitution of another party. We have never done so. We could have when we had a very considerable majority in this House back in 1999 and 2000; we still have, and we are not going to do so.

The right hon. Gentleman said that there is no arms race. This defies arithmetic and everything that his representatives said in the working party with Sir Hayden. I will quote, if I may, the then Opposition spokesperson on this issue, the hon. Member for Arundel and South Downs (Nick Herbert):

"We are much more interested in reducing the cost of politics and that is what David Cameron has made clear."

So far as Dr. Pinto-Duschinsky's so-called research is concerned—it rather desperately needs some peer reviewing—he very skilfully selects mid-term spending by political parties. He says that there was

"no time to analyse published and unpublished budgets of Labour and Conservative...organisations for 2004, 2005 and 2006".

How convenient, because what we see and what we know is that spending always rises in the last two years before a Parliament is due to end. Had he addressed himself to the available research—the much better research—by the Joseph Rowntree Foundation, he would have seen, for example, that spending donations received in local Conservative parties and marginal seats averaged £19,600, compared with £6,500 and £7,700 in Labour and Liberal Democrat marginals. What we—and, I believe, the Liberal Democrats—wish to see, and what the Conservative party wished to see until last summer is sensible, non-partisan rules that we can come together and agree on. I hope that, even at this late stage, the Conservative party will think again.

Several hon. Members *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. A considerable number of Members are hoping to catch my eye. Time is limited and there is a further statement to follow; may I please ask for one brief supplementary question?

Chris Huhne (Eastleigh) (LD): I am also grateful for prior sight of the Justice Secretary's statement and the White Paper.

We Liberal Democrats welcome new investigatory powers for the Electoral Commission, its proposed new governance arrangements and transparency for unincorporated associations. In general, however, I have to say, that this is a woefully inadequate package, and the Secretary of State is getting scant reward for his modesty from the official Opposition. There is nothing in this statement that will stop the arms race between the parties. He was quite right in his remarks about Dr. Pinto-Duschinsky's paper—which was, by the way, produced and published by a Conservative-leaning think-tank. Nor is there anything that will clean up party funding by capping big contributions. There are no caps on donations or local spending, and is public confidence not at a low because the Labour and Conservative parties are seen to be in the pockets of big business or the trade unions?

Is it not scandalous that there is nothing here that will impede Lord Ashcroft, through his UK company, Bearwood Corporate Services Ltd, in trying to buy any number of parliamentary seats? Lord Ashcroft already accounted for 8 per cent. of Conservative funding last year. The Justice Secretary says that he can legislate only with all-party consensus, but in that case, many abuses would never have been cleared up, including some of the most anti-democratic practices of the trade union movement that were put right in 1984 by the Conservative party against the Labour party's views at that time. Are we now to give miscreants a right of veto over new offences?

Does the Justice Secretary really think it just a coincidence that the Conservative party broke off cross-party talks in the very quarter when it took record donations of £9.7 million, which was an increase on the previous quarter's £3.7 million and a record quarter for a non-election year? Was that mere coincidence? Why should the Government not now legislate to remove the stink of big-money politics? Is it not time that millions of votes, not millions of pounds, decided British elections?

Mr. Straw: The hon. Gentleman has had time to read the White Paper because it was sent to him, as it was to the right hon. Member for Horsham (Mr. Maude) earlier today. I hope that the hon. Gentleman does read it carefully. No one is talking about any one party having a right of veto; indeed, I was surprised to hear the right hon. Gentleman appearing to claim that it was wrong now to legislate on strengthening the work of the Electoral Commission and re-introducing the trigger, which formed a central part of the Conservatives' legislation and which they tried to ensure; for the avoidance of doubt, stayed as part of the 2000 Act. I wish that I, or our Minister in the Lords, had accepted that; the only reason we did not do so was because we were told that it was not necessary. We will proceed on that basis, but I think that the hon. Gentleman will accept that no one

[Mr. Straw]

party should use the party funding regime as a partisan tool, because we must ensure that there is stability in the system that we adopt.

I accept, and share, the hon. Gentleman's frustration about the fact that we came very close to reaching an agreement last summer. It would have involved many important, significant and difficult changes in my party, as well as in other parties, but we were aborted in that by the events to which a number of us in this House were certain witness.

On the hon. Gentleman's question about groups such as Bearwood Corporate Services Ltd, we propose that there should be proper regulation of unincorporated associations, so that the source of the original donor becomes clear.

Tony Lloyd (Manchester, Central) (Lab): If my right hon. Friend intends to proceed, as I think that he is right so to do, on the basis that any agreement must be made by consensus across the political parties and if he can persuade the Conservative party back into those talks, will he also seek to persuade it that the donation cap of £50,000 that has been discussed is a long way above what ordinary people understand and that there is an overwhelming case for lowering it to a level that would put politics back in the control of the ordinary people of this country?

Mr. Straw: I agree with my hon. Friend. Our White Paper includes a lot of detail about how it is thought donation caps would impact at different levels on the spending of different parties. The sum of £50,000, which was Sir Hayden Phillips's recommendation, is a lot of money for the overwhelming majority of families in this country, and we are certainly ready to sit down to talk about a lower spending cap, as my hon. Friend indicates.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I very much regret the omission of any proposals to impose a cap on donations. They would be welcome, although only if they were to extend to trade unions. May I ask the right hon. Gentleman to remind the House how much money the Labour party has received over the past five years from Unite, which is the union maintaining the industrial dispute involving tanker drivers?

Mr. Straw: We are ready to answer that for which I am here to answer. We were ready to negotiate an arrangement with the other parties on the basis of what Sir Hayden Phillips recommended, including in respect of the trade union donations. We continue to be ready to do that.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I welcome the general thrust of my right hon. Friend's proposals in the White Paper, particularly as regards a spending cap, but may I point out that many in all parts of the House have reservations about linking a spending cap to state funding?

Mr. Straw: I understand that, and we all need to understand that Sir Hayden Phillips estimated that, at £50,000, the enhanced state funding needed to compensate parties for the loss of income would run at between £65 million and £90 million over a Parliament. A big issue for us, as the trustees of the public purse, is whether or not now is the appropriate time for that amount of taxpayers' money to be spent on political parties.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Bearing in mind that Sir Hayden Phillips's proposals were based on the unanimous views of the Constitutional Affairs Committee, does the Secretary of State recognise that the Government's moral authority to legislate in this sensitive field is undermined if what they propose is not the full range of Sir Hayden's proposals, with their different but significant impact on all political parties, including his concern about the potential power of paymasters of whatever kind?

Mr. Straw: First, may I offer my congratulations and, I believe, those of the whole House to the right hon. Gentleman on his knighthood, which was announced in the birthday honours on Saturday?

Secondly, on the question, the Select Committee on Constitutional Affairs produced recommendations that were taken forward by Sir Hayden, who made proposals, which we have previously discussed in the House. However, it is very difficult to move forward, since, among other things, Sir Hayden outlined his proposals but then said that the detail had to be negotiated between the parties. It was very difficult then to take that forward without the kind of constructive negotiation in which representatives of the Liberal Democrats, Labour and the Conservatives were participating perfectly happily until the summer recess last year. That is the problem. If the Conservative party now wishes to go back to where it was last July, we are happy to join it, and I believe that the right hon. Gentleman's party would also be happy to join it.

Dr. Alan Whitehead (Southampton, Test) (Lab): I welcome the direction of my right hon. Friend's statement this afternoon and the proposal to introduce the trigger mechanism into spending that is registerable as campaign expenditure. Does he accept, however, that the expenditure arms race is percolating across the whole electoral period and all forms of spending, national and local? Does he consider that a trigger mechanism and, indeed, the White Paper's contents are a way station towards an overall cap on the expenditure of parties between general elections and during entire Parliaments?

Mr. Straw: Yes, I accept that, and Sir Hayden Phillips and previous reports have recommended that continuous, all-Parliament spending limits should cover what we loosely describe as national and local spending. That is, however, very complicated and requires detailed discussions between the parties and the Electoral Commission.

Mr. Nigel Evans (Ribble Valley) (Con): The Justice Secretary is right in thinking that the great British taxpayer would be horrified at the prospect of yet more of their money being used to fund political parties, but is that not what we have done in a back-door way with the communications allowance, which allows MPs £10,000 a year to tell our electorates how great we are? Therefore, the candidates in our seats may feel that they have to spend more just to keep pace with us. Will the Justice

Secretary consider the abolition of the communications allowance and the saving of millions of pounds of taxpayers' money?

Mr. Straw: The recommendation on the communications allowance happened to be a unanimous one from the House of Commons Commission, but I understand the hon. Gentleman's point. I have said in the House that there should be serious discussions about the communications allowance, or that part of it which I do not think is used for party spending, given the rules, but which might be seen to be. Let us sit down and discuss it. What we and the Liberal Democrat party have been frustrated about is that there have been no constructive discussions on this issue, because the Conservative party walked away.

Mr. Kevan Jones (North Durham) (Lab): I welcome my right hon. Friend's proposals on unincorporated associations—a mechanism that has been used by the Conservative party to hide the source of millions of pounds of funding not only to party central office but to individual Conservative Members. Will my right hon. Friend consider making the transparency of those unincorporated associations retrospective to the beginning of this Parliament, so that we can find out where a lot of the money that is sloshing around the Conservative party has come from?

Mr. Straw: I am not sorry to tell my hon. Friend that there are clear rules against making provisions that carry sanctions, as these will, retrospective. Therefore, the Bill will not contain proposals of that kind.

Mr. Chris Mullin (Sunderland, South) (Lab): May I put it to my right hon. Friend that in the long term the key is to insert caps on spending rather than on donations, so that we get back to issue-driven rather than money-driven politics? With the benefit of hindsight, does he agree that the £20 million cap on national spending in the 2000 Act was rather too generous and that we should perhaps think about halving it at the next election?

Mr. Straw: I agree with the central burden of what my hon. Friend has said. The £20 million cap would be better than the current situation if it covered all campaign spending, and therefore one of the proposals to which I drew attention in my statement is that we should look again at the definition of campaign spending in schedule 8 to the 2000 Act as well as moving towards comprehensive all-Parliament controls in the future.

Mr. Peter Bone (Wellingborough) (Con): Will not the reintroduction of the trigger give more power to the national party and less to local candidates who want to get their point across locally?

Mr. Straw: I honestly do not think so. That issue was not raised by Neill or during the passage of the 2000 Act or its predecessor, the Representation of the People Act 1983. Neill said that all his proposed controls should be in addition to the 1983 regime—"buttress" was the word that he used. Everybody thought that that was the case except for the noble and acute Lord Mackay of Ardbrecknish. From the Opposition Front Bench in the other place, he moved amendments to clarify what he thought might be a loophole in the law on advice that was turned down as unnecessary by Ministers in the Lords. I have regretted that decision of ever since. I do not think that there is any evidence to suggest that the worries expressed by the hon. Gentleman will be substantiated, but I will check and write to him.

Mr. David Heath (Somerton and Frome) (LD): Sir Hayden Phillips did a very good job during the talks, in which I played a part, in establishing near consensus on a wide range of issues concerned with party finance. He also found some of the answers, until the Conservative party decided to change the question rather late in the day and therefore left the talks. Is it not therefore very disappointing that the proposals that the Lord Chancellor has brought forward today fail properly to address the issues of the cap on donations and expenditure and to make the significant changes to the transparency and propriety of trade union funding that we agreed?

Mr. Straw: I share the hon. Gentleman's disappointment. He was party to the talks, and he represented his party very effectively. The right hon. Member for Horsham also represented his party very well, but his script was changed sometime in the summer of 2007. It is disappointing, but we can make progress, if there is broad agreement across the Chamber on spending controls, which is what we are proposing. Everybody, apart from one or two flat-earthers, recognises that the rise in spending is the driver for all the other problems.

Martin Linton (Battersea) (Lab): I welcome my right hon. Friend's proposals to close the loopholes on unincorporated associations and candidate spending. I also welcome cross-party consensus on the issue, if it is forthcoming. May I remind my right hon. Friend that to insist on cross-party consensus at all costs is to hand a veto to the Opposition? Some enlightened Members of the Opposition see that their interest lies in closing the loopholes, but others see that their interest lies in keeping them open. Those who want to keep the loopholes open are the ones who benefit from being able to escape controls on party spending by channelling money to local candidates and bypassing the controls on anonymous and foreign donations by channelling money to unincorporated associations.

Mr. Straw: We are not talking about a veto for any one party; we are talking about areas on which it is clear that there is already broad agreement, as there is in respect of the changes to the Electoral Commission—there must be broad agreement on that, given that I am reintroducing Conservative legislation that the Conservatives kept on the statute book from the 1980s right until they lost office in 1997.

We have sought to ensure that we follow through on the broad agreement on cutting spending—something to which all the parties subscribed—in terms of restrictions, but there are remaining issues to do with how we enhance state funding in return for donation caps. Those issues are complicated and—let us be clear about it—an increase in state funding would be involved, at a time when there are big questions about whether the taxpayer would be willing to bear that. There are many other complications, too. However, we were close to an agreement, and I hope that one day we will be close to one again.

Mr. Andrew Tyrie (Chichester) (Con): I participated in the talks from start to finish, and the Lord Chancellor's description is a travesty of the truth—the House needs to know that. Frankly, the statement that we just heard was partisan. The return of the triggering rules will restrict candidates in marginal seats but not sitting MPs, who benefit from the communications allowance. As Labour holds all the marginal seats, is there not a blatant act of partisanship hidden under the guise of all-party agreement on the Sir Hayden Phillips talks?

Mr. Straw: That is completely untrue, and the hon. Gentleman knows it. I believe that he was among those who signed up to the unanimously agreed report by the Select Committee on Constitutional Affairs, but what he has subsequently said is completely different—both in spirit and in recommendation—from what was said in the Committee's reports. He is one of the flat-earthers—he voted against the Climate Change Bill on the basis that it was bad science.

Mr. Jonathan Djanogly (Huntingdon) (Con): What has that got to do with it?

Mr. Straw: It says something about the attitude of mind of the hon. Member for Chichester (Mr. Tyrie). He continues to deny what is palpably true—namely that spending by political parties has increased, and will increase, unless we take control of it.

Dr. Gavin Strang (Edinburgh, East) (Lab): May I congratulate my right hon. Friend on not bringing forward a scheme for the state funding of political parties? Is he concerned that some current forms of candidate and party expenditure fall foul of existing spending limits?

Mr. Straw: Yes, they do; we accept that. I dealt with the issue of the 1983 trigger, to which, I notice, no Conservative politician ever objected—indeed, far from it—in my answer to the hon. Member for Ribble Valley (Mr. Evans).

Jo Swinson (East Dunbartonshire) (LD): Tight caps on individual donations and spending are essential to public support for the proposals, as is a debate on state funding, including existing state funding. As part of that debate, will the Government consider the Power commission proposals, under which state funding would be provided on a pence-per-vote basis only if electors chose to tick a box on the ballot paper? Does the right hon. Gentleman agree that that would focus parties' attention away from expensive billboard campaigns and back towards more grass-roots campaigning and, dare I say it, engagement with the public?

Mr. Straw: There are a number of imaginative proposals for additional state funding, including the Power commission proposal, to which I was quite attracted. However, there are also problems with the proposals. We have to recognise that each of the proposals involves a transfer of funding from the taxpayer to political parties by some means or other. We would certainly need broad consensus on that, and we would have to carry the public with us.

Andrew Miller (Ellesmere Port and Neston) (Lab): The Conservatives in Ellesmere Port have adopted a new scam on their website; they are acting a bit like a discount warehouse. A whole raft of public, well-known companies advertise their wares on the local Conservative party website—BT was one of them, but I persuaded it to withdraw its advertising. Not one of the shareholders of any of those public companies has authorised such a donation. Will my right hon. Friend ensure that legislation stops that kind of scam?

Mr. Straw: I look forward to my hon. Friend raising that issue during the passage of the Bill. Meanwhile, if he has a complaint about the regulations, he should refer it to the Electoral Commission.

Mr. Christopher Chope (Christchurch) (Con): I congratulate the Lord Chancellor on ruling out further taxpayer funding of political parties. Will the Bill contain proposals for individual voter registration, as recommended by the Electoral Commission?

Mr. Straw: There are no proposals in the White Paper for individual registration, but I am grateful to the hon. Gentleman for what he has said. I am attracted to the idea of individual registration and believe that it has to happen.

Mr. Djanogly: Then do it.

Mr. Straw: We are going to bring forward—

Mr. Djanogly: When?

Mr. Straw: The hon. Member for Huntingdon (Mr. Djanogly) asked me a series of questions, and gave the answers before I could do so. If he calms down, I will give the answer. I intend to introduce proposals, but there are spending implications. I am in no doubt that we have to move forward, and a consultation document on this and other matters relating to the regulation of the voting system will be introduced soon.

Bob Spink (Castle Point) (UKIP): Does the right hon. Gentleman know how offensive it is to ordinary members of the public who value our democratic traditions to see rich individuals bankrolling candidates before the election period commences? Would he expect a decent political party to stop that practice pending the reintroduction of the trigger?

Mr. Straw: I think that the independent hon. Member for Castle Point (Bob Spink) was referring to his former colleagues in the Conservative party. We look forward to further and better particulars of what he has to tell us about that party's practices.

Mr. Crispin Blunt (Reigate) (Con): I was not minded to ask a question until I heard the sanctimonious bilge from the hon. Member for Eastleigh (Chris Huhne). In the document, there is nothing to address the abuse of incumbency. One of his senior colleagues has sent out letters in House of Commons-franked envelopes to all new voters on his register that include a leaflet slagging off the prospective parliamentary candidate in that

constituency, so until the communications allowance is addressed, there is a serious problem and lacuna in the proposals.

Mr. Straw: I do not approve of that practice, and I have never followed it myself. We had a great debate about the communications allowance about 18 months ago, and one reason why it was introduced was to control the abuse of overspending, for example, on franked envelopes. That is one of the things that it has achieved, but I told the hon. Member for Ribble Valley that if there are issues—*[Interruption.]* I know that there are—to discuss, we should discuss them, but that requires all three parties to sit down and discuss them in talks from which one party should not walk away, knowing that they are departing from an agreed agenda established by an independent inspector.

Mr. Hugo Swire (East Devon) (Con): The Lord Chancellor is right to talk about public perception, but does he not accept that the public will perceive that the Government are not serious about change until they break the umbilical cord between themselves, their party and the unions, and are seen to do so?

Mr. Straw: I do not accept that. I know that the hon. Gentleman has a different viewpoint about the relationship between trade unions and political parties, and he is fully entitled to make as many points as he wishes and to persuade his voters and others to support his party, not ours, because of our association with the trade unions. However, he must accept that trade union contributions to political parties, including the Labour party, are the most regulated of any contributions. They are completely clean—there have been no validated complaints against the payment of the political levy in the past 10 years. Contrary to what we heard from the right hon. Member for Horsham, members of affiliated trade unions know that they can opt out, and at least 10 per cent.—the percentage varies from trade union to trade union—do so. He is entitled to make comments about our connection with the trade unions, but what he is not entitled to do in a democracy is to try and rewrite our constitution in a way that suits his party, not ours.

Madam Deputy Speaker: Order. Will Members who do not wish to stay for the statement by Secretary Miliband leave quickly and quietly?

Lisbon Treaty

5.19 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): It is a pleasure and a privilege to be able to make this statement today. *[Interruption.]* I urge right hon. and hon. Members to contain their enthusiasm. With your permission, Madam Deputy Speaker, I should like to make a statement about the Irish referendum on the Lisbon treaty, which was held last Thursday. The no vote on the treaty in the referendum is important because of our strong national interest in an effective European Union, and that vote needs to be respected. The next step is for the Irish Government to give their views on how to proceed from this point, consistent with their aims for Ireland's role in the EU. They have made it clear that they need time to absorb and analyse the result and its implications and to consult widely at home and abroad. The Irish Prime Minister has said that he is disappointed by the result but wants Ireland to continue to play a full part in the life of the EU.

I have just returned from a meeting of EU Foreign Ministers in Luxembourg, and that message was reiterated by the Irish Foreign Minister at that meeting. He emphasised the diverse nature of the Irish debate, and the overlap in the debate between issues that are affected by the treaty and those that are not. He also expressed his appreciation that around Europe, leaders had committed themselves to work co-operatively with Ireland. He committed Ireland to work for a common European approach, with Ireland at the heart of Europe. There will be further discussion among Heads of State and Foreign Ministers at the European Council this Thursday and Friday not to take final decisions but to hear a preliminary report from the Irish Government and preliminary thoughts on the next steps.

The rules of the treaty and of the EU are clear. All 27 member states must ratify the treaty for it to come into force, and we on the Government Benches will defend that principle extremely strongly. There is no question of ignoring the Irish vote or of bulldozing Irish opinion. Ireland clearly cannot be bound by changes that it has not ratified. Equally, there is no appetite for a return to years of institutional negotiation. The EU as a whole needs to find a way forward for all countries that allows the EU to focus on the big policy issues that confront us.

Eighteen countries have approved the Lisbon treaty. The Irish Government have set out clearly their respect for the right of other countries to complete their ratification processes. My conversations with other Foreign Ministers, representing all shades of political opinion across the EU, show this to be a very strongly held view. The reason for the approach is simple: an Irish vote is determinant of an Irish position but cannot determine the ratification decision of other countries. The British view is for this Parliament to determine. In this House and the other place, there have been 24 days of debate, and both Houses have voted strongly in favour of the European Union (Amendment) Bill at each stage. The final stage is Third Reading in the other place on Wednesday.

The Government believe that ratification should proceed as planned. It must be right that every country takes its own view on the treaty in accordance with its democratic

[David Miliband]

traditions. That is right according to democratic principle; it is right in terms of our negotiating position in the EU; and it is right in terms of our national interest.

Our national interest is a strong Britain in a strong European Union. The EU now consists of 27 countries and 490 million people. The reform of EU institutions and working practices is important to ensure that the EU can function more effectively and cohesively, and to ensure that the EU embraces an outward-looking agenda that tackles in an effective way international issues such as migration, climate change, security and defence policy and counter-terrorism. But treaty change rightly requires unanimity across all countries. That is why it is right that we take the time to allow the Irish Government to make proposals on what they will do next, right that we assert Britain's national interest in an effective EU that addresses the problems of the modern world, and right that we work to maintain the cohesion of the EU. That is what the Government will be doing in the weeks and months ahead, and I commend that approach to the House.

Mr. William Hague (Richmond, Yorks) (Con): The Foreign Secretary began by saying that the referendum result in Ireland is important because of our national interest in an effective European Union. I agree with him about that, but I hope that he agrees with me that it is also important because it is an inspiring example of democracy in action. People say that there is a disconnection between the EU and its peoples, but Thursday's vote was proof that when people are given a real say on the EU, they respond in vast numbers with turnout higher than in any European elections held in this country. Was it not also a courageous vote, given that the threats that Ireland would suffer if it voted no did not deter the Irish from making their own decision on the treaty? I am sorry that the Foreign Secretary did not find it in himself to congratulate Irish voters on either of those points.

Following as it does the French and Dutch rejections of the original constitution— a treaty that was, in the words of the then Irish Prime Minister Bertie Ahern, "90 per cent." the same as the Lisbon treaty—is it not now clear beyond doubt that there is profound opposition among the peoples of Europe to the substance of this treaty? Given that no one would ever call the peoples of France, the Netherlands and Ireland anti-European, is it not now clearer than ever that it is absurd to describe as anti-European disagreement with a treaty that further centralises power away from Europe's nation states towards remote EU institutions?

The Foreign Secretary has said that the result has to be respected and that

"there can be no question of bulldozing or bamboozling or ignoring the Irish vote".

We very much agree with that. However, is not that exactly what he and the Prime Minister are doing by pressing on with ratification in this country? If that is the Government's position, why was one newspaper briefed yesterday that the Prime Minister

"is privately ready to sacrifice the Lisbon treaty"?

If that is the Government's true position, why will not Ministers say so? Instead of the Government trying to have it both ways, why can we not have some clarity from them? Did not a previous Labour Foreign Secretary set out the only right course for this country yesterday, when he wrote:

"by any conceivable test of democratic procedure, the House of Lords should vote to put Treaty ratification on ice...to simply plough ahead on a straight vote to accept or reject the EU...Bill is to demonstrate nothing less than a contempt for the democracy on which the European Union is supposed to be founded"?

Is not the Czech Prime Minister right to say that the Irish no is

"no less serious than the previous French and Dutch noes"?

So why, given that after those referendums the then Foreign Secretary came here to announce that the ratification of the constitution was suspended, has this Foreign Secretary come here to announce the opposite? Is the message that in today's EU small countries do not count?

Should not the Government now plainly state that Britain will suspend ratification in this country immediately, give a clear message at this week's summit that the treaty is finished, and make the fundamental point that no lasting political institutions can be built in democratic societies without the people's consent? Is that not what real respect for the referendum would mean? Is it not essential that all preparations for implementing the treaty, including on the European External Action Service, are now suspended and that the EU takes no action that is not legally provided for under the current treaties? Does the Foreign Secretary agree that respecting the result means not asking the Irish people to vote again? Will he undertake on the Government's behalf that they will take no part in any bullying of Ireland? Would it not be extraordinary for the Irish to vote twice on this treaty, when British voters have not had the opportunity to vote once?

The Foreign Secretary has said that ratification here must proceed so that there can be a "British view" on the treaty, but the reality is that the Government have never spoken for the British view. If they want to find out the British view, are there not two very easy ways for them to do so? The first is to call a general election, of which the Prime Minister is, with good reason, terrified; and the second is to keep the promise that the Government made at the last election to call a referendum in the United Kingdom, which would assuredly tell the people of Ireland that in rejecting the Lisbon treaty they are by no means alone.

David Miliband: Let me address the three key elements of the right hon. Gentleman's comments. First, it is in this Parliament that we decide the British view of our treaties—that is what we have always done, including when the right hon. Gentleman was in government.

I believe that it is right that we—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order.

David Miliband: I believe that it is right that we defend the sovereignty of this Parliament and our right to take a view on how Britain should approach the issue. Every other country in Europe is going to take a view on the treaty—18 already have. The right hon. Gentleman suggests that Britain suspends itself in some kind of limbo while the other countries take a view on the next steps forward. That is not a recipe for strength for Britain; it is a recipe for weakness.

Secondly, the right hon. Gentleman has discovered a new-found love for the way in which the European Union is working at the moment. He said yesterday that it is working "pretty well". That is pretty rich, coming from him. He is the man who denounced the current arrangements as

"three more major steps on the road to a superstate."

That is what he said when the current arrangements came into force, but today he tries to tell us that we should rely on the current arrangements because they are working pretty well. He also said that

"a Conservative Government will not ratify it as it stands."—[*Official Report*, 11 December 2000; Vol. 359, c. 353.]

In other words, he is now saying that he wants to embrace a treaty—the treaty of Nice—that he denounced seven years ago as the end of civilisation as we know it.

I suggest that the right hon. Gentleman should understand one further point about the Nice treaty. He says that that treaty would make life simple. The first thing that will happen, if we embrace the Nice treaty as he recommends, is a new institutional debate about the number of commissioners—an issue left unresolved by the Nice treaty. Precisely the sort of institutional discussion that he says we should abandon or move beyond would be restarted by his proposal.

On the Labour Benches, we all have much respect for Lord Owen and his contribution. We respect his foreign policy expertise—*[Interruption.]* Some of my hon. Friends do not, however. It is interesting that the right hon. Gentleman cites Lord Owen's arguments as a model of democracy. In this House and in the other place, the Bill on the treaty has been passed by large majorities, including significant votes from the right hon. Gentleman's own party.

The right hon. Gentleman mentioned the position of the Czech Government, and he is right that the Czech constitutional court is currently examining the Lisbon reform treaty. It is right, therefore, that the Czech Government cannot proceed with ratification at this stage, because the treaty is before their court. But the Italian Government, a centre-right Government who were recently elected, have said that they will proceed with parliamentary ratification as scheduled The Dutch Government, also on the centre-right of politics, say:

"The Irish 'No' does not mean that we or other member states should stop".

The Swedish Government, also on the centre-right of politics, say that ratification will continue as proposed. It seems to me that it is right that we do as well.

Finally, the right hon. Gentleman said that respecting the result should mean that there should be no bullying of Ireland. He is absolutely right about that, which is why I defended today—and will continue to defend—the right of the Irish Government to take their time about how they want to respond to this result, and how they want to come back to the matter. It is for the Irish Government to decide what their position is going to be. The treaty cannot come into force unless the Irish Government succeed in ratifying it—it cannot succeed in coming into force—and the Irish constitution is absolutely plain that constitutional change requires the consent of the people; it is absolutely clear on that. That is why it is right that we wait for them to decide on their next steps, but it is also right that we are clear about our responsibilities to ensure that there is a British view in the discussions. That is what we are determined to do.

Mike Gapes (Ilford, South) (Lab/Co-op): This weekend, the Government of Kosovo took over responsibility from the United Nations. A few weeks ago, the people of Serbia elected a Government on a pro-European platform. Throughout the western Balkans, the people of the former Yugoslavia are looking to the future enlargement of the European Union. Will the Foreign Secretary reassure the House that this Government and this Parliament will continue to work for future enlargement of the EU to include the whole of the Balkans, and will he do whatever is necessary to make that possible?

David Miliband: My hon. Friend makes an important point. I believed that enlargement had support from hon. Members of all parties, although, to judge from the conference speech of the right hon. Member for Richmond, Yorks (Mr. Hague) in September, there would be a referendum every time there was any treaty change, even enlargement, if his party ever came to power. He shakes his head, but his conference speech states that any increase in central power—in other words, treaty change—will lead to a referendum, even on climate change or enlargement, about which he says that he cares. I agree with my hon. Friend that we must defend enlargement.

Mr. Edward Davey (Kingston and Surbiton) (LD): I thank the Foreign Secretary for his statement and for coming to the House so quickly.

While many in Britain, including the Liberal Democrats, find it difficult to see any way in which to continue with the Lisbon treaty, would not it be wrong to be seen to anticipate discussions with our European partners? Does the right hon. Gentleman agree that it is not in Britain's national interest to be perceived as prejudging this weekend's summit?

Will the Foreign Secretary confirm to the House the process whereby the UK ratifies all treaties, including Lisbon, and state whether a treaty is ratified by a Third Reading vote in one House of Parliament or through Crown prerogative? If the Government proceed with Third Reading in the Lords and Royal Assent this week, do they intend to withhold depositing the instrument of ratification in Rome until after the European summit?

The questions that the Irish vote raises are posed to us all, whether we are pro or anti-Lisbon. If the treaty of Lisbon falls, the European Union may well have to manage under the institutional arrangements that have worked adequately for the past seven years. They are bequeathed by the Nice treaty, which the right hon. Member for Richmond, Yorks (Mr. Hague) said at the time would be "a disaster". Whether the European Union's operation is to be based on Nice or Lisbon, is not our immediate challenge to obtain a decision, one way or the other, at the forthcoming summit and thus avoid further delay and uncertainty?

Whatever the frustrations and difficulties caused by the loss of Lisbon, could not the cause of European co-operation be much more seriously damaged by yet another protracted period of member states being distracted by institutional debate or talk of a two or three-speed Europe?

With or without Lisbon, in a world of uncertainty and danger, Britain's national interest remains in the European Union, playing a positive role. It is time for the European Union to focus all its energy on the

[Mr. Edward Davey]

agenda of economic reform, climate change and tackling terrorism. The Foreign Secretary's job now is to ensure that Britain plays that constructive role in Europe so that Europe's benefits become ever clearer to the peoples of Europe.

David Miliband: I will start with the hon. Gentleman's last point: the way in which the European Union can bridge the gap between politicians and people, whether nationally or at European level, is to ensure that it focuses on the issues that matter to people. International issues such as energy and climate change, migration and terrorism are precisely those that the European Union should address.

The hon. Gentleman asked about prejudging discussions at the weekend. It is important to proceed with ratification because the Lisbon treaty is good for Britain—among other things, it increases our voting weight. I do not believe that he meant ratification when he referred to prejudging the outcome. We should certainly not prejudge what Prime Minister Cowan will report.

The hon. Gentleman asked a technical question. Royal Assent means the enactment of a Bill—the turning of a Bill into an Act. As article 6 of the treaty states, ratification depends on the deposit by all 27 countries of the ratification articles in Rome. Clearly, that will not happen before the European Council this Thursday and Friday.

As for the fast track to institutional debate, as I said earlier, the Nice treaty left the number of commissioners unresolved. That is one of the things that the Lisbon treaty was created to resolve, and it did that. If Lisbon does not come into force, one consequence is that the institutional debate about the number of commissioners will restart.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. It is clear that many hon. Members are hoping to catch my eye. We still have the main business to follow the statement and I therefore ask for short, single questions and brief responses so that more hon. Members may be successful.

Ms Patricia Hewitt (Leicester, West) (Lab): I strongly welcome my right hon. Friend's assurance that we will proceed with ratification of the Lisbon treaty in Parliament. Will he confirm that he is in discussion with his Cabinet colleagues about how best to take forward some of the most urgent issues of policy substance that face the European Union, especially how to deal with climate change at such a difficult time of rising global energy prices?

David Miliband: Yes. Given your demand for brevity, Madam Deputy Speaker, I can answer that question clearly. My right hon. Friend will be pleased to know that one of the French presidency's top priorities over the next six months is precisely to make progress on energy and climate change.

Mr. Bernard Jenkin (North Essex) (Con): If the Irish people had been deliriously happy with the way in which the European Union operates, they would have given a more favourable opinion of the Lisbon treaty. Perhaps the lesson for those who operate in Brussels is that they cannot afford to let any democracy into the European Union at all, otherwise the wheels start coming off.

David Miliband: That is ironic, given that the Bill increases the democratic influence of both national Parliaments and the European Parliament. As for the position of the Irish people, the hon. Gentleman will have seen, as I have, that even those parties that urged a no vote in the referendum proclaimed themselves pro-European parties.

Mr. Jenkin: I'm pro-European.

David Miliband: The hon. Gentleman may point to himself and say that, but that is not generally the way he is seen in the House—and, from his smile, perhaps he understands why. The truth is that all the opinion polls make it clear that 80-plus per cent. of people in Ireland support Irish participation in the European Union, including in the euro.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Irish no is a problem for the European Union and its political elite, not for Ireland, and it needs to be resolved at the EU level. Given that the Queen's Speech will not be until 4 December, there is no rush for us to proceed to Third Reading. We should not take part in bullying Ireland into a decision by rushing the Bill through.

David Miliband: I wholeheartedly agree—I do not think that I could have made this clearer—that there is no question of anyone bullying the Irish.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): You are!

David Miliband: The right hon. and learned Gentleman says that I am bullying the Irish, but I do not see how I could conceivably be bullying them, since I have gone out of my way to emphasise that the treaty cannot come into force unless it is ratified in Ireland. We are absolutely clear on that point, and he can talk to Irish politicians on any side of the divide. He will know—*[Interruption.]* Hon. Members suggest that Ireland has been ostracised. The fact that leaders from all over Europe have said that Ireland must be given time to decide on its next move—*[Interruption.]* No, the Irish Prime Minister has asked for time and every European leader has agreed. On previous occasions, the Opposition have condemned Governments throughout Europe for making snap judgments. No Government have done so in this case; they are giving Ireland the chance to figure out its next move.

Mr. David Heathcoat-Amory (Wells) (Con): Will the Foreign Secretary just for once rise to the occasion and realise that the problem lies not in Ireland or with the Irish Government, but with the European Union, which is widely regarded as centralised, remote, undemocratic, wasteful and inefficient? Will he take a lead, by going back to the Laeken declaration of 2001 and reconvening that conference, but this time designing a Europe that is properly democratic, respects self-government and is

based on the consent of the peoples of Europe, freely expressed in national referendums, including one in this country?

David Miliband: The right hon. Gentleman participated in the Laeken convention with diligence and seriousness of purpose, but the last thing that Europe needs is another seven years of wrangling about its institutions. This is not the issue that the people of Europe want us to address. If one message has come out of the Irish referendum, it is a command for the leaders of Europe to embrace the agenda of real issues, such as the economy, social policy—*[Interruption.]* The right hon. Member for Richmond, Yorks says, "Exactly." The Lisbon treaty drew a line under institutional reform, and rightly so in my view. It said that there would be no further institutional reform until 2017. That is the approach that has been rejected in the Irish referendum. If the treaty is not ratified in Ireland, it cannot come into force across the European Union. As my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) said, that issue needs to be addressed—I have not described it as a problem, because it would be wrong to do so and would imply that the Irish were somehow doing something that was beyond their rights. They have not. They have made their views clear. Their constitution requires them to have referendums. That is perfectly legitimate, and we should defend their right, because that is their constitutional system.

Mr. Mark Hendrick (Preston) (Lab/Co-op): Does my right hon. Friend remember that the Laeken declaration of December 2001 set out a process that would result in the EU becoming more democratic, transparent and efficient and having social and economic objectives? Given the Irish referendum, will he work as hard as he can with the other 26 member states to see that those objectives are met?

David Miliband: My hon. Friend raises an important point, as the Laeken declaration did address the social, economic and environmental agenda, as well as the political agenda, that Europe's leaders needed to address. I think that it is incumbent on us to complete this process of institutional reform—what I call the old agenda of the European Union—and embrace the new agenda, which is about the policy issues that the people of Europe want to see properly addressed.

Mr. Ian Taylor (Esher and Walton) (Con): As one of the regrettably few people who voted for the Lisbon treaty when it came before the House, I am obviously very sad about the outcome of the Irish referendum. It is going to be difficult for the Taoiseach to work out exactly what issues the Irish are most concerned about on the basis of this confused referendum. It has happened, however, and I am sad that the treaty cannot legally come into place. Will the Foreign Secretary nevertheless work to do what he can to safeguard the best things in the Lisbon treaty, many of which might be applied practically, and will he have a closer look at the accession treaty for Croatia, which may well provide the Irish with an opportunity to put forward some proposals to get them off the hook?

David Miliband: In respect of the second part of the hon. Gentleman's question, which was about Croatia, I do not think that the Irish are on a hook. We are clear that an important signal must be sent to Croatia that there are no new blockages in its way to accession as a result of what has happened. It is important for its accession process to continue. In respect of the first part of the question, I do not think that now is the time to start cherry-picking parts of the Lisbon treaty. The rules are clear—that the treaty comes into force if all 27 member states ratify it—and we should rest there at the moment. We should allow the ratification process to continue in all countries; we should then see what the Irish decide to do and plan our next moves after that.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): The Foreign Secretary is being exceedingly kind to the Irish in wanting to give as much time as possible in order to reach some sort of solution to what I can only call a Milliganesque situation resulting from the referendum. It may be necessary at some stage to find ways in which we can proceed, with or without the Irish. Together with his colleagues in Europe, he should now be thinking seriously about we might move forward—unfortunately, perhaps as a two-speed Europe—and ensure that all the advantages that Britain has seen over the years are not dissipated by this particular vote, which represents a very small percentage of the total votes in Ireland.

David Miliband: I have a lot of respect for my hon. Friend's commitment to the EU, which we have discussed through his membership of the Foreign Affairs Committee. I have to tell him, however, that I do not support a two-speed Europe, which I think would be a step backwards—if it were possible. I say "if it were possible" because Ireland is, of course, a member of the euro. The idea that we will be able to design one set of institutions for 26 member states and another set for Ireland is neither possible nor right. When we and the Irish talk about finding a common European approach, I believe that that is the right thing to do. My hon. Friend is right that the search for consensus can cause delay, but it also increases legitimacy. It is important that we continue that search. If there is a treaty rule requiring 27 member states to sign before a treaty can come into force, it is important that we follow it.

Dr. Vincent Cable (Twickenham) (LD): As someone who voted for the treaty, does the Foreign Secretary agree with me that when the German and French Governments said that the Irish verdict could be overridden or ignored, it was both arrogant and unacceptable? Has he communicated that feeling to them?

David Miliband: I hope that the hon. Gentleman will send me those quotations. I have talked to the French and German Foreign Ministers about this and I have read the statements of Chancellor Merkel and President Sarkozy, and the hon. Gentleman's suggestion does not accord with what I have read or heard from those two countries. In fact, since Friday, the European debate has been notable for the absence of any rush to judgment and for the fact that leaders—whether they be from France or anywhere else, including this country—are not saying that Ireland should be bulldozed. I would like to see the quotations on which he has based his assertion.

Chris Bryant (Rhondda) (Lab): I believe that the Foreign Secretary is absolutely right to refer to the large majorities in this Chamber—a two-thirds majority on

[Chris Bryant]

every single vote—and in the other House, where a majority of 62 was helped by two bishops, the Archbishop of York and the Bishop of Chester, who are people I do not normally agree with.

Is it not the truth of the matter that our constituents are probably less interested in institutional change in Europe and far more interested in their energy bills? Without proceeding with ratification of the treaty, how can we ensure that the people of Britain can own French energy companies just as French people can own British energy companies?

David Miliband: My hon. Friend makes two important points. The Bill has passed with large majorities, including large numbers of Conservative Members. The hon. Member for Esher and Walton (Mr. Taylor) spoke about the small band of brothers that he was with in the House of Commons, but I assure him that if he looks at the House of Lords voting lists he will find a far larger number of brothers and sisters who supported him on that—*[Interruption.]* No, far more than eight, hon. Members will find.

My hon. Friend is absolutely right to say that a common energy policy is one way to address both the economics of the energy industry and the politics of the relationship with Russia and other energy suppliers. That is actively being worked on, and I hope that the Prime Minister and the Secretary of State for Business, Enterprise and Regulatory Reform will soon be able to report progress on the energy issues.

Mr. John Redwood (Wokingham) (Con): Can the Foreign Secretary not see that if he wishes to build a bridge between the peoples of Europe and the political elite, this country must stop ratifying this dead treaty, and the Irish Government, instead of trying to find a fiddle to overcome and get round the result, should resign because they lost their main recommendation and they no longer speak for the Irish people?

David Miliband: It is a welcome change when the right hon. Gentleman is asking the Government of Ireland to resign, rather than the British Government. I will take that as a large vote of confidence in how we are handling the issue.

We know the right hon. Gentleman's view. His view was that the 1997 Amsterdam treaty meant the abolition of Britain. As far as I can see, Britain is alive and kicking, contrary to his assertions. It would do nothing for British democracy if an Irish vote meant that this Parliament did not carry on with its workings. Surely we should be defending the right of this Parliament to make its own decisions.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): My right hon. Friend has stated that the development of a two-tier Europe would be the wrong response to the events of the last few days. Will he give a commitment to the House today that he will stand firm against any attempt by any other member country to force such a solution to the current situation?

David Miliband: As I said, I do not think that a two-tier Europe is the right way forward, and of course I will argue firmly for that. While the debate about a two-tier Europe was lively in the early 1990s, in a world where Ireland is in the euro but Britain is not but is a leading participant in European security and defence policy, the idea that there are two divisions in Europe simply does not add up. Many other issues show that the idea of a two-speed or three-speed Europe does not address the modern need. I am happy to have my hon. Friend's support in that argument.

Mr. William Cash (Stone) (Con): Will the Foreign Secretary accept that his statement is really quite disreputable given that this is quite clearly a democratic vote taken by people with full knowledge of what was going on? Will he not accept that it does affect the United Kingdom? We salute the Irish people, but the vote affects the United Kingdom because the treaty is no longer valid as far as the United Kingdom is concerned precisely because it has been overtaken by the no vote, which cannot now be changed.

David Miliband: At no stage have I cast any aspersions on the decision of the Irish people in this matter. There is nothing disreputable about reporting what the Irish Government have themselves committed to, which is to think about what they want to do next and then report back to future European Councils. I hope that on further reflection, despite the fact that we disagree on the issue, the hon. Gentleman might reconsider whether that is the most appropriate argument to make.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Mere words cannot convey my feelings on this matter. May I start by congratulating the Minister for Europe? He is following in the footsteps of the Secretary of State for International Development, who, as Minister for Europe, managed to persuade the French and the Dutch to kill off the constitution. The current Minister for Europe has managed to persuade the Irish to kill off the treaty.

Does the Secretary of State agree that this is not an Irish problem to be solved by the Irish, that this is an EU problem to be solved by all the countries of Europe, that the treaty is now a dead parrot and that he will not accept any urgings from colleagues in this or any part of the House that try to bully the Irish by suggesting that we should move forward with or without them?

David Miliband: My hon. Friend is the friend of the Minister for Europe, who whispered to me, as our hon. Friend got to his feet, that he is in helpful mode on this issue. I am glad that we have not encountered him in unhelpful mode today.

Chris Bryant: He is just the same.

David Miliband: No, I detect a difference; I do not agree.

I can say to my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) that there is no room for bulldozing in this. I do not think it is right to describe it as an "Irish" problem. On that I agree with him. This is, though, an issue on which the Irish Government have said that they want to take a view about their next step. It seems to me right that we respect that. Equally, it is right that we address our own view of the issue because Britain should not leave itself in limbo as the only country in Europe without a view on the treaty, not

least given the fact that the Bill has been through all its stages in both Houses and is awaiting Third Reading in the Lords.

Angus Robertson (Moray) (SNP): I offer my hearty congratulations to all the voters of Ireland in the referendum. At least they had a choice in a referendum, something that Scotland's voters were denied by a UK Government. That shows the clear benefit of independence in Europe. Will the Secretary of State and the Prime Minister tell their EU colleagues that the only way to build trust in the EU and its institutions is to move at a speed and in a direction that European citizens are happy with?

David Miliband: It is precisely to ensure that the speed and the direction are ones that European citizens and representatives are happy with that the Lisbon treaty was created and then proposed. I completely disagree that, somehow, the citizens of Scotland would have more power or more say, never mind more security or prosperity, if they were outside the UK, but that is a longer debate that will happen on many other occasions.

Mr. Quentin Davies (Grantham and Stamford) (Lab): Is not the essential point that the Irish decision deserves full respect, but the decision to ratify of 18 other member states with a total population of well over 200 million equally deserves full respect? Is it not the case that we all have our right to represent our views on this subject and to make our decision? We should therefore continue the ratification process. When it is brought to an end, we should all meet together to see how any differences that emerge can best be reconciled and resolved.

David Miliband: Yes. My hon. Friend speaks with the benefit of consistency on European issues, which cannot be said of all those on the other side of the House.

Mr. Roger Gale (North Thanet) (Con): The Foreign Secretary demonstrates an almost Eurocratic arrogance in suggesting that the Irish Government should be allowed time to consider their position when it is the Council of Ministers that ought to be considering its position. Will he respond to the clear point made by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague): following the French and Dutch votes, the British Foreign Secretary said it was no longer possible to ratify the constitution, so why is the British Foreign Secretary now saying, in precisely the same terms, that in the light of the Irish no vote it is possible to ratify the treaty?

David Miliband: I could not have been clearer: without the support of all 27 countries, this treaty will not come into force. That was said again and again and again. If the hon. Gentleman is referring to the situation after the 2005 referendums, he will know that in the House, never mind anywhere else, the treaty was only just beginning its passage. It was certainly not the case that two thirds of the countries had passed the treaty into law; they certainly had not.

The hon. Gentleman will know that precedent plays both ways on this. The precedent in respect of Nice shows that the Governments around Europe went forward with ratification. In respect of Maastricht, Sir John Major came to this Dispatch Box and committed his Government to continue with the passage of the Maastricht treaty, but did so after an interval of four or five months. The truth is that precedent plays in both directions and each side can take succour from those precedents.

Andrew Miller (Ellesmere Port and Neston) (Lab): Does my right hon. Friend agree that one of the things that made Europe work, and that made it attractive to many of the new countries that have sought to join, is that the larger countries do not steamroll them on constitutional matters? Should we not therefore await a decision of the Irish Government before rushing to judgment? Otherwise, we are simply interfering in the constitution of another country and playing into the hands of those who say that Europe is giving away sovereignty.

David Miliband: In respect of constitutional matters, we are in a Union of equals, in which each country has an equal say. That is right and I defend it. I do not support majority voting on constitutional matters of this kind; it is right that unanimity is required. It is therefore important that we respect the vote in Ireland and give the Irish Government a chance to decide on their next step.

Bob Spink (Castle Point) (UKIP): The Foreign Secretary wants a British view on the treaty. May I refer him to the latest ICM poll, which showed that two thirds of British people are against the treaty? Does he not see that it would be improper to send the treaty's ratification for Royal Assent as the treaty is now unlawful? The treaty is not pining for the fjords; it is simply dead.

David Miliband: The treaty might not come into effect, but that does not mean it is unlawful for the British Parliament to exercise its view. I defend the right of this Parliament to do things that are popular or unpopular—sometimes they might be unpopular, but that does not mean they are wrong.

Stephen Pound (Ealing, North) (Lab): Thank you, Mr. Deputy Speaker, and my fellow Europeans. So passionate and vehement were the words of the shadow Foreign Secretary that for a moment I allowed myself to toy with the idea that another by-election might be in the offing. May I tell my right hon. Friend that I read with great sadness in the Polish press this weekend—in translation, obviously—that the referendum result is seen not just as a triumph for Sinn Fein but as a reversion to the old architecture and a victory for the Franco-German axis, taking us back to pre-enlargement days? Does he have any message of hope for those Poles whom we welcomed to our EU?

David Miliband: The message to the Poles—*[Interruption.]* I hear a sedentary intervention to the effect that my hon. Friend would be better at providing the answer, as well as the question. I am sure that that is right. The message to our fellow European Polish citizens is that the European Union is stronger for being enlarged. The procedures need to be updated, and they should keep faith with their vote to join the European Union in the first place.

Peter Bottomley (Worthing, West) (Con): When the Foreign Secretary was young, this House passed devolution in Wales, which was rejected four to one by the Welsh people. At least when it was offered again 20 years later,

[Peter Bottomley]

they had another vote. If the other countries of Europe were allowed a vote, in how many of the 27 does he think the treaty would pass a referendum?

David Miliband: I think I am right in saying that nine countries decided that although the constitution merited a referendum, the Lisbon treaty did not because it was an amending treaty. That is right. We should defend our parliamentary system. The Irish case is different, as the Irish have a written constitution with a specific requirement for referendums on all constitutional changes. Different parts of Europe have different democratic systems, and we should stick to our own.

Kelvin Hopkins (Luton, North) (Lab): May I express my wholehearted welcome for the Irish decision and congratulate the Irish people on having spoken on behalf of millions of other Europeans who have not had the choice? There has been much talk of the emergence of a multi-speed Europe. Is my right hon. Friend interested in the weekend reports stating that differential inflation rates—and therefore a multi-speed Europe—are beginning to emerge even inside the eurozone? That might lead eventually to the eurozone fraying at the edges, particularly at the Italian edge, which has serious problems at the moment.

David Miliband: If I thought, as my hon. Friend does, that the Irish rejection brought closer the day of the socialist commonwealth perhaps I would take a different attitude, but I fear it does not bring that day closer. In respect of diversity within the eurozone, I would need to check the figures, either with the Treasury or the hon. Member for Twickenham (Dr. Cable). I think I am right to say, however, that there have been differential inflation rates within the eurozone since its creation 10 years ago. I do not have data—certainly not to hand—showing that the inflation differential has grown in the past 10 years. In fact, some of the reports marking the 10th anniversary of the creation of the euro suggested the opposite. However, I am happy to look into the matter and work on it with my hon. Friend.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. If I am to call everyone who seeks to catch my eye, I renew my appeal to hon. Members for brevity.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Will the Foreign Secretary make it clear that any change in the treaty to take account of the views and concerns of the Irish would involve ratification happening again in all the other 26 countries? Does not the act of proceeding with ratification in this country therefore show clear contempt for the Irish people and the Irish Government?

David Miliband: I was about to agree with the hon. Gentleman—he and I started our parliamentary careers together—and then he spoiled it with his ridiculous last 10 words. If there is a new treaty, it would have to come back to all the Parliaments that have passed the current one. My view is that no one in Europe should embrace renegotiation. I was interested to hear the comments of the right hon. Member for Wells (Mr. Heathcoat-Amory), who sat on the Convention, that he wanted to reopen the Convention—that would not be a good thing. If there is a new treaty, it must come back to all the Parliaments to be ratified.

Kate Hoey (Vauxhall) (Lab): Does the Foreign Secretary accept that the vast majority of the British public will be delighted at the result of the Irish referendum—the referendum that they did not get? Will he answer simply the question that the public want answered? If when the Dutch and the French voted against the constitution they were not told to go back and think again—the whole thing was withdrawn—why is a country such as Ireland being told to go back and think again? Why has the whole thing not been withdrawn, with our saying, as the then Foreign Secretary said the first time round, "The treaty is dead. End of story."

David Miliband: The Irish are not being told anything. They are telling us that they want time to decide on their next move, and we are saying that that is a reasonable thing for them to do. They are not being commanded, bullied or persuaded to do anything against their will. It is for the Irish Government to make their own decision about the Irish national interest. I do not think there is any danger in giving them the time to do that. There is certainly no danger that somehow, during that time, the equation will change so that we do not need 27 countries to ratify. We will need 27 countries to ratify the Lisbon treaty. As I said in respect of the 2005 referendums, there are precedents on all sides, whether we look at Maastricht, Nice or the 2005 issue.

Mr. Andrew Robathan (Blaby) (Con): Does the Foreign Secretary realise that his statement, and those of other political leaders on the continent of Europe, reveals a contempt for the views of the people—a contempt shown by his Government in refusing to give the promised referendum on the treaty, and a contempt shown for the French people, the Dutch people and now the Irish people—and that that contempt and arrogance are leading to a growing disillusionment and disenchantment with the European Union across the European continent, which do actually do some good?

David Miliband: No. There is no more contempt or arrogance in our positions than in the hon. Gentleman's decision to oppose a referendum on the Maastricht treaty 15 years ago.

Mr. David Drew (Stroud) (Lab/Co-op): It is good to hear that my right hon. Friend will be helpful to the Irish Government. With that in mind, will he make an offer to hold any rerun of the referendum in the United Kingdom? That would be a magnificent gesture, and I am sure that the Irish people would support him in it.

David Miliband: No. I think that, as Parliament has voted against a referendum on two occasions in this House and in the other place, that would not be a wise thing to do.

Mr. David Curry (Skipton and Ripon) (Con): As a still unrepentant supporter of the treaty, I must nevertheless recognise that if it is not a dead duck it is an extraordinarily badly shot-up duck at present. However, does the Foreign

Secretary accept that this need not be a crisis in Europe, and Europe need not descend into constitutional turmoil? There is a huge amount of business to get on with, which will not wait while we indulge in constitutional musings. Is this not a wonderful opportunity for President Sarkozy to achieve a spectacular success, and become even more famous than his wife?

David Miliband: I am not sure whether politics is a route to greater fame than fashion and song, never mind other pursuits. However, the right hon. Gentleman is right to say that the rejection of the treaty in the referendum is a blow to reform of the European Union. We must wait to see the Irish view before the next steps can be taken.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Just a few answers ago, the Foreign Secretary said that renegotiation was not an option. If that is true, in reality the treaty is dead, and if that is the case why on earth is the House of Lords debating the Bill's Third Reading on Wednesday?

David Miliband: I repeat that I do not support renegotiation, I do not support a two-tier Europe, and I do not support the new Convention that is being proposed. That does not seem to me to negate the fact that, 95 per cent. of the way through the process, it is right for us to complete the passage of the legislation so that the British Parliament can express a clear view that we can take into European discussions. That has been urged on us throughout Europe, and the Irish have made it clear that they would respect countries that took such action.

Mr. Hugo Swire (East Devon) (Con): All true democrats in the House will wish to join me in congratulating my old friend Declan Ganley on his inspired leadership of the no campaign in Ireland. The Secretary of State has an opportunity to display his own leadership skills, which may be called on by his party sooner rather than later, by leading us out of this mess. It is not up to the Irish, who have voted no, to reflect; it is up to the Foreign Secretary and other Ministers in Europe to articulate a way forward, but before they do so they must acknowledge that the treaty is now dead.

David Miliband: The hon. Gentleman and I disagree about the Irish responsibility, and about the freedom of the Irish to decide their next move. We also disagree about our position. I am clear about the fact that we should pass the treaty; I am also clear about the fact that if it is not passed everywhere else, it will not come into force.

Mr. Peter Bone (Wellingborough) (Con): Is not the Foreign Secretary rather like the shopkeeper in the Monty Python sketch? He is trying to persuade people that the parrot is not dead, but is not the truth of the matter that the Lisbon treaty has expired, is deceased, has gone to its maker, and is—actually—dead?

David Miliband: I do not think that I am a shopkeeper who has missed his vocation, but we shall see, on the basis of the discussions that take place.

Mr. Christopher Chope (Christchurch) (Con): Will the Foreign Secretary condemn all the Members of the European Parliament who are refusing to respect the verdict of the Irish people?

David Miliband: Anyone who refuses to respect the decision of the Irish people is obviously not doing justice by the systems that exist. I have not seen the quotations to which the hon. Gentleman refers, but I am happy to look at them.

Mr. Nigel Evans (Ribble Valley) (Con): Does the Foreign Secretary think that the British people feel any more warmly towards the Lisbon treaty than the Irish did last Thursday?

David Miliband: I only wish that 80 per cent. of the British people—*[Interruption.]* The hon. Member for Moray (Angus Robertson) has been giving a running commentary on the whole exercise. Much as I like the sound of his voice, I do not think I like it as much as he does. Perhaps he could give us a break for a while.

I wish that 80 per cent. of the British people agreed in the same way the Irish do that the European Union is a good thing, but sadly we cannot hope for quite such dizzy heights in this country.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The Foreign Secretary rightly said at the outset that he did not want to bully the Irish people, but surely pursuing the ratification process in this country while working with the French and Germans to ensure that other countries ratify the treaty constitutes subtle playground bullying tactics, intended to ostracise Ireland and try to persuade it to think again.

David Miliband: The hon. Gentleman underestimates the Irish people if he thinks that talking to the French and Germans—as if that were some kind of sin in the European Union—will bully them into anything. However, I can tell him one thing that will make him happy: I had an excellent discussion with the Polish Foreign Minister today about the plans for each of our countries. The hon. Gentleman is a strong advocate for the presence of Poles in this country and Polish participation in the European Union, and I can assure him that the Polish Foreign Minister and I were absolutely agreed on the next steps forward.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): What does the Foreign Secretary think about the fact that Britain and its European allies are actively preaching the importance of the rule of law to various parts of the world, yet when it comes to the Lisbon treaty, Britain and those same European allies are actively conspiring to circumvent the rule of law?

David Miliband: There is no circumvention, active or otherwise. There is no question of anyone trying to take away the democratic rights of the people of Ireland. If they do not pass the treaty, the treaty will not come into law. Nothing could be clearer than that. I am sorry that the hon. Gentleman has waited all this time to ask a question that I have already answered at least a dozen times during this question-and-answer session.

Orders of the Day

Children and Young Persons Bill *[Lords]*

[Relevant documents: The First Report from the Children, Schools and Families Committee, HC 359, Children and Young Persons Bill [Lords]; and the Government response, Third Special Report from the Committee, HC 711; and The Fifteenth Report from the Joint Committee on Human Rights, Legislative Scrutiny, HC 440, and the Government's reply, letter of 4th June from the Parliamentary Under-Secretary of State (Children, Young People and Families) to the Chairman of the Committee.]

Order for Second Reading read.

6.16 pm

The Minister for Children, Young People and Families (Beverley Hughes): I beg to move, That the Bill be now read a Second time.

Every child should have the right to be happy, healthy, safe and successful, and we must help families to stay together and achieve the best for their children. When that is not possible, however, it is our duty to ensure that an outstanding system of public care is in place: a system that is ambitious for children, provides them with good parents, puts a premium on their needs and wishes, and will accept for those children no less than we would want for our own. Many Members in all parts of the House have promoted the interests of children in care, and I welcome the support that the Bill has received. I am sure that today's debate and our deliberations in Committee will continue that constructive dialogue.

As well as introducing specific measures for children in care, the Bill enables a statutory duty, for the first time, to be placed on the Secretary of State to promote the well-being of children, complementing the existing duty to promote educational achievement and embedding the principles of Every Child Matters at the heart of government. As with all duties, uses of the duty for significant long-term commitments will always be subject to the usual parliamentary procedure and authority, but this unequivocal commitment to all children, a landmark in any terms, matters most to those for whom the state has parental responsibility.

Approximately 60,000 children are in care at any one time, in most cases because of abuse or neglect. They need the highest standard of care to help them to overcome the multiple disadvantages that they often face—disadvantages that all too often contribute to a host of poor outcomes. For example, looked-after children are five times less likely to achieve five good GCSEs, eight times more likely to be excluded from school and nine times more likely to have special educational needs. Just under half have a mental health problem, and a quarter of adults in prison today have been in care.

Ann Coffey (Stockport) (Lab): While I welcome the Bill, I believe that if we are to achieve its central aim of improving outcomes for children in care, we must improve the quality of inspection of children's homes to ensure that they provide the best possible care for young people. Does my right hon. Friend agree that the current review of national minimum standards should include an obligation for inspection reports to contain a summary of proper evaluations of all incidences of running away, assault and criminal damage, so that placing authorities are better able to assess whether a home is meeting the Staying Safe criteria?

Beverley Hughes: I pay tribute to my hon. Friend's work, and the expertise that she has acquired in helping us with our proposals. I am particularly grateful to her for examining what happens, or currently does not happen, to inspection reports. I know that she has discussed the issue with the Under-Secretary of State for Children, Schools and Families, my hon. Friend the Member for Cardiff, West (Kevin Brennan). We shall want to explore with her ways in which the use to which inspection reports are put can include the elements that she has mentioned, and thus become a much stronger lever for improvement in the quality of care.

Bob Spink (Castle Point) (UKIP): On outcomes for children in care, I welcome the provisions on support for those in higher education, but will the Minister give more support to children who want to go into vocational education or apprenticeships in the way that I did?

Beverley Hughes: Yes, that is equally important. The current provisions allow for the funding of first-time level 2 and level 3 vocational courses, and also for local authorities to contribute to children's subsistence costs when they go into vocational education—and I am pleased to say that more of them are going into that. The real issue at present, however, is that only 6 per cent. go to university, which is why we have placed an emphasis on enabling them to do so more readily.

The figures I was citing mean that a child in care is more likely to end up in custody than at a university. That is not to say that outcomes for children in care have not improved over recent years; they have done, as a result of measures introduced by this Government. The five-year Quality Protects programme began the reform of children's services, the Children (Leaving Care) Act 2000 was designed to delay young people being discharged from care until they are ready, and the Children Act 2004 and the Every Child Matters programme are transforming multi-agency arrangements for vulnerable children. Indeed, the Every Child Matters programme and the children's plan have given us the essential platform for the further reforms in this Bill.

Stephen Pound (Ealing, North) (Lab): I am grateful to my right hon. Friend for giving way and for the great leadership she has shown in this area. On the vulnerability of young people leaving care, is she going to mention the possibility of extending the care period beyond the age of 18? If she is not going to mention it, has she nevertheless considered it?

Beverley Hughes: I will refer to that shortly, if my hon. Friend will bear with me.

In addition to the measures I have mentioned, there has been significant extra spending. Between 2001-02 and 2006-07, Government funding rose from £1.3 million to £2.1 million, during a period when the number of children in care levelled off.

All this has made a difference. The proportion of such children in education, employment or training at 19 has increased by 8 per cent. and educational attainment continues to rise. The truth is, however, that although

the life chances of all children have improved, those of children in care have not improved as fast, and although their poor outcomes are undoubtedly significantly related to the serious problems with which they come into care, for too many children they are also exacerbated by the very experience of care itself. Multiple placements, successive social workers and moving school at crucial times all militate against the stability and strong attachments that these children need in order to thrive. Therefore, our priority in this Bill is to achieve a step change in the improvements we have already begun to see for children in care, to enable them to progress further and faster and, crucially, to close the inequality gaps between them and other children.

The Bill follows the Care Matters White Paper that we published last June, which set out our strategy to transform the life chances of children in care. It drew on detailed and extensive research and a wide-ranging consultation with children and young people themselves, parents, carers, local authorities and voluntary organisations. The Bill and the White Paper enshrine four key principles: good parenting from every person involved in these children's lives; the voice of young people being at the heart of the system; stability and continuity as its hallmarks; and an uncompromising culture of high aspirations.

We all understand the importance of strong, warm, interested parents in developing happy and successful children. When a child lacks that support from their own parents, we have not just a legal, but a moral responsibility to look after children in care as well as any good parent would. The Bill embeds good "corporate parenting" across the whole care system—from carers, teachers and social workers to directors of children's services and elected lead members. As the Care Matters implementation plan makes clear, everyone in the system must not only care for looked-after children, but also care about them. Replicating the care that a child would normally receive from parents means a change of culture, which we expect directors of children's services and lead members to drive forward. It also means a relentless focus on the quality of care in the places children live.

Despite some excellent provision, only a quarter of residential homes meet 90 per cent. of the national minimum standards. That is completely unacceptable. The Bill therefore gives Her Majesty's chief inspector more power to take swift and decisive action when standards are not met. Clause 26 allows her to issue a "compliance notice" to providers failing to meet expected standards, while clause 27 allows the chief inspector to restrict admissions to residential settings where necessary. Simultaneously, we are reviewing the national minimum standards to make them clearer and more focused on outcomes for children. The Bill also addresses foster care approvals, establishing an independent review mechanism similar to the current mechanism allowing prospective adopters to challenge decisions by adoption agencies.

Improving quality also means developing a truly world-class children's work force. In social care, that means a stable, motivated work force who are appropriately trained, skilled and confident in their abilities.

Mr. Hugo Swire (East Devon) (Con): I am listening with interest to the Minister's comments. She will be aware that the heading of clause 8 is "Well-being of children and young persons", yet parliamentary hearings in May 2000 recommended that staff in all social service departments should receive further training on female genital mutilation. It is thought that about 98,000 girls under the age of 15 have either undergone, or are at risk of undergoing, female genital mutilation, yet there has not been a single prosecution since the Female Genital Mutilation Act 2003 became law. Therefore, we are failing those children.

Beverley Hughes: More might need to be done to raise the level of awareness and consciousness among social workers, and I am sure that my hon. Friend the Under-Secretary of State will pay attention to whether that is necessary in his work on the work force reforms. I hope the hon. Gentleman will agree, however, that we have taken the necessary action to outlaw that practice, but I agree that social workers need to be alive to the possibility of it happening.

Alongside the provisions in the Bill, the Government are investing £73 million over the next three years to improve the quality, capacity and supply of social workers for children and families. I am sure that other Members will wish to join me in paying tribute to the social workers, foster carers, residential workers and others who contribute so much to children in care. They are on the front line, keeping children safe every day, yet they are often in the firing line for critics and headline writers. We must be relentless in eradicating poor practice, and we will be, but we should also applaud the talent and commitment of those doing the caring, without whom the measures in this Bill could not be achieved.

Part 1 of the Bill will also enable the piloting of new social work practices, allowing local authorities to delegate some of their social services functions to more autonomous agencies. We want to explore through these pilots whether additional flexibilities and freedoms will deliver a more personalised and effective service to children. We will be working closely with partners to implement the pilots, and we will commission an independent evaluation before deciding whether to extend these social work practices nationally.

Effective corporate parenting depends upon close contact between practitioners and the children. Clause 16 places a duty on social workers to visit regularly all children in care, whatever and wherever their placement, and including those in custody. Clauses 18 and 19 also require regular visits by social workers to disabled children placed away from home long term, as well as support for the family at home.

The second key principle of the Bill is that the child's voice should be central. In future, the child's views must be actively solicited and taken fully into account, as any parent would do.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I welcome the clauses that give more powers and responsibility to independent reviewing officers and more independent visitors to children, but will my right hon. Friend also look at improving the availability of independent advocacy to these children because, through independent advocacy, their voice will definitely be better heard?

Beverley Hughes: I am well aware that my hon. Friend has long championed this issue and I pay tribute to her role in supporting the interests of children in care. The

[Beverley Hughes]

measures in the Bill on independent reviewing officers will go a very long way toward making sure that children have a stronger say. I certainly want local authorities to appoint independent advocates where that is necessary, but I point out to my hon. Friend that, in this Bill, we are trying to get everybody involved with children to see themselves as advocates for those children. That, to me, is what the system lacks at the moment, and that is what we are hoping to achieve.

John Hemming (Birmingham, Yardley) (LD): On independent advocates, whom I have dealt with myself, does the Minister not accept that where the local authority is paying their salary, that creates a conflict of interest? Does she not further accept that a child who is Gillick-competent should be permitted to appoint their own solicitor from the age of 12-plus, rather than the guardian ad litem coming in and ignoring the views of the child?

Beverley Hughes: I do not accept the hon. Gentleman's premise; nor do I think that that does a true service to the people who undertake the independent advocacy function. They are perfectly capable of representing the views of children and advocating for them, which is why they want to do that work. It does not matter terribly much who is paying for that, and I do not think that it compromises at all their ability to press the interests of children.

Clauses 11 to 15 lay the foundation for a systematic refocusing of the independent reviewing officer's role and practice. They make a single, named IRO responsible for monitoring the performance of the local authority and overseeing the care planning process, so that it is fair and reasonable and gives proper weight to the child's wishes. The IRO will not only spend time with the child before a care planning review, but will check that other professionals are also listening and responding to the child. I considered carefully whether we should now, at this point, make the IRO fully independent of the local authority, and I can tell Members that it was a finely balanced decision. If these reforms do not quickly achieve the step change that we require, we will go further, which is why the Bill includes an enabling power to make IROs fully independent of local authorities if necessary.

Stability is the foundation for any child's development, and yet the experience of care for many children is one of instability and unpredictable change. Looked-after children are five times more likely to move schools in years 10 and 11 than other children. Some see as many as 30 social workers or go through nine or 10 care placements within a few years. Children cannot be happy and they cannot do well at school or be ambitious for the future when they are subjected to such regular upheavals.

Joan Ryan (Enfield, North) (Lab): Foster carers from my constituency came to the House today and wanted to make it clear to me that they support this Bill, as I do, and I pay tribute to them for the good work that they do. The one point that they really wanted me to press with my right hon. Friend—it relates to stability, the ability to stay on at school and associated issues—is their support for the "staying put" scheme, which is coming out in pilot form today. They are very keen to know when it might be rolled out nationally, and they are very supportive of that proposal, as, indeed, I believe many Members of this House are.

Beverley Hughes: I thank my hon. Friend for that and I join her in paying tribute to the fantastic work that foster carers do. I know that my hon. Friend the Under-Secretary of State met a group of foster carers today to talk about the "staying put" pilots, and he announced the 10 areas. We want to see rapid progress as far as we can, and it is important that we look at the legal and financial barriers that need to be overcome, which is why we are piloting in the first instance. However, the direction of our intention beyond the pilots is very clear: to see a need for young people to be able to stay in foster placements well beyond the age of 18.

Lynda Waltho (Stourbridge) (Lab): There is already ample evidence, particularly from Northern Ireland, of how successful these schemes can be. Foster carers from Dudley whom I have met are looking for a roll-out even sooner and wondering why the pilots are necessary, because there is ample evidence to show that something similar to the "staying put" scheme works already.

Beverley Hughes: The scheme that my hon. Friend mentions is itself still relatively new and we are waiting to see the results, but as I said, the Government's intention is clear. I and my colleagues accept the argument that, at a time when most of our children leave home, on average, at the age of 24, it is very reasonable to expect that children who have come into care need to stay in their placements beyond 18. How quickly we can go will depend on the pilots and on resources, but that is our direction of travel.

The Bill seeks to improve stability in every aspect of a child's care. Clause 9 will make sure that local authorities pay greater attention to the educational impact of care placement decisions. We will use regulations to prevent any upheavals in years 10 and 11, when children need to focus all their attention on GCSEs, unless there are exceptional circumstances for the child. We also know that children placed out of their local authority area often do less well than those placed closer to home, so clause 9 will also restrict out-of-authority placements, subject, again, to the best interests of the child. Clause 10 will require local authorities to commission, plan and provide sufficient placements in their area. In addition and as I mentioned, this morning my hon. Friend the Under-Secretary of State announced the areas for the "staying put" pilots, which will allow young people to stay on beyond 18, with the agreement of all concerned.

Of course, the best way to improve stability is by preventing children from going into care in the first place. Children have told us that, when they cannot stay with their parents, they want to be cared for by family and friends wherever possible. The Bill therefore requires local authorities to give preference to placements with relatives where that is in the child's best interests, and to give support to family carers. Clause 24 enables authorities to exercise wider discretion over cash payments to those caring for children in need. Clauses 36 to 38 remove some of the barriers for kinship carers applying for residence and special guardianship orders, and extend residence orders until the child reaches 18, rather than the present age of 16.

Mark Williams (Ceredigion) (LD): Does the Secretary of State see this provision, which I very much welcome, as a way of alleviating some of the legitimate concerns that Members throughout the House have had regarding grandparents in a position of care?

Beverley Hughes: Yes, and that is true of all those provisions, including the ones I mentioned on cash payments and giving preferences for placements. During the consultation I talked to many grandparents, and I am aware, as the hon. Gentleman doubtless is, of heart-rending stories that people told of how matters were made really difficult by the current arrangements in many local authorities. We want to make sure that such things do not happen, because if children can live with grandparents and that is in their interests, that is by far the best place for them to be. We want to make sure that practice changes in this regard.

Clause 25 gives statutory underpinning to short breaks for disabled children being developed over the next three years through the £359 million "aiming high for disabled children" programme.

Finally, alongside improving the experience of those in care, we must also raise their aspirations and those of everyone caring for them. Schools must understand the unique learning needs of children in care and have the capacity to help them fulfil their potential—whatever their starting point. Clause 20 will make sure that there is a designated teacher in every school to give children in care the encouragement and personal support they need to realise their talents. Clause 17 will require local authorities to make arrangements for an independent, trained volunteer to be appointed to visit any looked-after child if it is in their interests. As I said earlier, we want more looked-after children to set their hearts on going to university, and to achieve that ambition. We know that financial barriers can also be a deterrent, so clause 21 will make a bursary available, of a minimum of £2,000, for every child in care who goes to university.

Bob Spink: The right hon. Lady said "finally", but she has not yet mentioned clause 2, which deals with adoption. Using this Bill, is there anything that we can do to ensure that children are not denied a stable and loving family because of political correctness getting in the way—to ensure that potential parents are not denied children because of factors such as obesity, age, being of the wrong race or even being too posh?

Beverley Hughes: I am struggling to understand what the hon. Gentleman is referring to, because clause 2 is in the set of clauses dealing with social work practices. If he would like to speak to me afterwards or write to me about the matter, I shall do what I can to clarify his particular concern.

Bob Spink: I thought that the clause deals with the functions of the adoption agency and the responsibility of the county councils in that respect.

Beverley Hughes: The local authority's functions in relation to adoption are excluded from the functions that social work practices will have; that is the reference contained in the clause, and it is very specific.

To return to the first point that the hon. Gentleman raised with me about going to universities, I can tell him that for young people who are in, or who want to return to, education or training, clauses 22 and 23 extend the existing duty to appoint a personal adviser for young people up to the age of 25.

Mr. David Drew (Stroud) (Lab/Co-op): Does the Foyer movement have a role to play in this, because, in a sense, it has worked as a bridge for young people who may not have been in care but who obviously find themselves in difficult circumstances? The movement has worked closely on an individual level with those young people, and its successes are often there for us to see when young people go on to university. Will that be enhanced by the Bill?

Beverley Hughes: I am great supporter of the Foyer movement. I agree with my hon. Friend that it makes a great contribution, mostly in preventing certain young people from having to be taken into care and accommodated by local authorities and in providing young people who are leaving care with a supported situation that can help them move to independence.

We owe it to children in care to do everything possible to overcome their difficulties, to help them on the road to health, happiness and success, and to enable them to have a good childhood and a promising future. The measures in the Bill, together with those in the White Paper, can transform the experience and the prospects for children in care, now and in the future. I commend the Bill to the House.

6.42 pm

Tim Loughton (East Worthing and Shoreham) (Con): We certainly welcome the Bill. This is another year and another children's Bill, and, as with previous such legislation aimed at protecting vulnerable children, we will support it. This latest and long-awaited Bill deals with probably the most vulnerable group of children and young people in the UK—those in the care system. As the Minister has rightly said, it has been a scandal for too long, and remains so, that the treatment of, and outcomes for, children in the care system are woefully poor. Those children have been the victims of systemic neglect and of an institutionalised paucity of expectations for too many years, and it is vital that the Bill marks a major turning point in reversing that.

I welcome what the Minister has said about the change of culture that is required, and I share her praise for social workers and foster carers, many of whom have lobbied us today about their vital and dedicated work. Some 61,000 children are in care in England and Wales, 42 per cent. of whom will return to their families within six months. However, we should not forget the estimated 350,000 adults who have spent part or all of their childhood in foster or residential care in this country. For many of them, the experience will become a generational legacy, as their own children end up in the care system, which happens all too often.

We have heard about the scandal of outcomes for children in the care system in areas such as education. Despite the public service agreement targets, the priority action toolkits for key stage 4 looked-after children, the Education Protects programme, life chances funds and so on, the achievement of children in the care system on basic measures such as the achievement of five good GCSEs is still too poor. Worse still—the Minister alluded to this—the gap between children in the care system

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and mainstream children has widened over the past few years. All standards have gone up, as measured by GCSE achievement, but the gap in achievement between those who are and those who are not in the care system has widened. Furthermore, the increase in achievement has not been nearly as fast for those in the care system as for all children, which is deeply worrying. In addition, children in the care system are more than 10 times more likely to be excluded from school. Some 33 per cent. of them end up not in education, employment or training; just 2 per cent. of them go on to university; and 27 per cent. of them have statements for special educational needs compared with just 3 per cent. of all children.

The same thing is happening in the justice system. Some 25 per cent. of people in prisons came through the care system, and the figure is anything up to half of those in youth offender institutes. Such children are four times more likely to smoke, drink under age and take drugs, and last year, 9.5 per cent. of over-10s in the care system were cautioned for or convicted of an offence. Not doing something more urgently about this situation is a false economy, because by the age of 19 a persistent offender will have cost £164,000 every year. That figure includes the cost to the victim, the court costs, the cost of prison and benefits and the cost to social services, which is an enormous cost not only to society but, most importantly, to the individual involved.

We must also consider teenage pregnancy rates—one in four women leaving care is either pregnant or already a mother—and health statistics. Children in the care system are more than five times more likely than children in general to have a diagnosable mental illness, and many still do not receive the health checks that they are supposed to receive within the first 14 days of coming into the care system. Some two thirds of those children will have at least one physical health complaint. Perhaps the most tragic and disturbing statistic is that last year no fewer than 100 children in the care system died, which was an increase on the figure of 95 in 2004. We often talk about children who are killed at the hands of their carers or parents—the relevant figure is about one or two a week—but more children are dying within the care system for a host of reasons.

The system is there to protect those children from the ravages of deprivation and health inequalities, so those figures are deeply disturbing. The Bill is desperately required and very welcome, but there is an urgent need to translate its good intentions and good directions into actions and results. We will do everything possible to speed the Bill's implementation. It has enjoyed close and positive scrutiny and improvement in the other House. I pay tribute to Lord Adonis, who has great personal experience of children in care, to my noble Friend Baroness Morris of Bolton, who has great expertise in and dedication to this area, and to many other Lords who brought about constructive improvements to the original Bill. They, like the Minister, are all too aware of the challenges that we all face in helping children in the care system, because the effects of failure will impact on the whole of society and are not restricted to the cost of more than £2 billion a year of children in the looked-after system.

We welcome much of the Bill, such as, for example, the rewriting of clauses 7 to 10, particularly in respect of the mechanics of placement and the preference for placement with extended family members, which should be, but is not, happening already. We also welcome the references to proximity placement, which has been discussed since Sir William Utting's report in 1997 suggested a 20-mile radius cap. Although kinship placements are supposed to be the preferred option in this country, only 1 per cent. of social worker-instigated placements ended up with kinship carers, compared with 45 per cent. in Denmark, for example.

We need to maintain continuity of school and education. The poor outcomes are not surprising, given that the social exclusion unit reported that 29 per cent. of children had undergone three or more educational placements during secondary school and that 25 per cent. of children had been in six or more care placements during the same period. We also support the Bill's hierarchy of kinship care placements locally to retain a familiar environment. We are talking about providing appropriate foster carers locally or, ultimately, in a residential home, where the appropriate care can be made available, especially for those with complex needs.

We recognise that residential children's homes, which look after about 6,500 children at the moment—they tend to look after older children—have a place. They may be more appropriate as the first port of call, but the average cost of some £2,100 a week in those residential homes is leading to some local authorities cutting placements, although those fees include contracting for psychiatric and other specialist services in many cases.

We need to take on board the shortage of skilled foster carers as well. On any day in this country, 50,000 children are living with 43,000 different foster families. Just last month, local authorities said that they urgently need at least 5,250 more foster carers to come forward this year, with the worst shortages in Manchester and the north-west. That results in thousands of children being sent to residential homes or being forced to travel miles to temporary placements and siblings having to live apart from their brothers and sisters, according to the Fostering Network.

We welcome the greater specifications for visiting children far away from home in the residential placement provisions contained in the Bill. We welcome all those measures, not least because many of them were included in the 2005 Conservative manifesto, "Action for Vulnerable Children". *[Interruption.]* I am sure that hon. Members want to participate in the shared congratulations. As the Minister has rightly said, all of us have campaigned on those issues for many years. However, we must recognise that what counts is not just passing the Bill, but the effectiveness with which it is put into action, backed up by resources and implemented by professionals at the sharp end who are appropriately trained, appropriately motivated and free to get on with their jobs.

This week, we remember yet again the death of Victoria Climbié more than eight years ago, because the social worker who was responsible for her welfare has had her appeal upheld by a tribunal, but how much have we actually learned post-Victoria Climbié? Is the whole system of children protection now in better shape to protect children from death and injury at the hands of parents or carers, or to give children the best second chance of a successful and stable upbringing when taken into care? If it is in better shape, why are so many

children still dying before they can be taken into the care system or even after that? Is the system sufficiently flexible either in care or with the birth family?

This is a good Bill. Lots of work has been done to improve it, but there are a number of areas where it can be made better and will stand a better chance of working in practice, and we will table amendments to that effect. I hope that the Government will continue to engage with us in a constructive manner, as they have in their lordships' House. In particular, we want an amendment that will put a welfare checklist at the forefront of the Bill. There are concerns that many of the measures in the Bill do not go far enough and that many local authorities will only do the minimum to comply, not least given the constraints on spending, because of all the other children protection requirements that the Government are rightly introducing, and the more thinly spread funding for children's centres, which are now competing for funding within children's services budgets.

We suggest a checklist at the beginning of the Bill mirroring section 1 of the Children Act 1989, which forms the heart of that legislation and which remains an important benchmark today. For every case, the actions of the local authority or other agency that acts for looked-after children would be expected to measure up against a checklist of considerations designed to be in the best interests of individual children, and such bodies would be accountable for that.

We will table an amendment to propose the post of a chief social worker. That measure was recommended by the Conservative party commission on social workers, which reported last October and which I chaired. Such a person would be the public face of social workers, akin to the chief medical officer or the chief veterinary officer. We have such an officer for animals, for goodness' sake, and we should have one for people who deal professionally with children as well. The officer would be directly responsible to the Secretary of State and advise on ways to promote the image and perceptions of social workers among the public and on how social workers can do a better job and be held accountable when that is not the case.

Too often, the perception of a social worker is as someone whose first contact with a vulnerable family is the knock on the door to initiate proceedings for a child to be taken into care. They are caricatured as child catchers. Not only is that deeply demoralising and not in the interests of social workers, but it is certainly not in the interests of the children and vulnerable families with whom they work and with whom they need to establish a relationship of trust and empathy in difficult circumstances. Such a role is used in New Zealand, and I have had a long conversation with Marie Connolly, who is the chief social worker for New Zealand. There are signs that that post has done a lot of good for the perception and standing of social workers in that country.

We revealed yesterday that one in five of the 76,000 social workers in this country have signed off work for 20 consecutive days or more in the past five years. That is not good for the profession, and it lies behind why we still have high vacancy rates. My local authority has vacancy rates of about 20 per cent. for child social workers, yet those people are absolutely integral to the success of child protection legislation and the Bill, and we need to do more to boost their position.

We support the inclusion of new clause 7 in the Bill to extend the duties in respect of the welfare of children to the Border and Immigration Agency. That provision was proposed by my noble Friend Baroness Morris and passed in the House of Lords with a large majority against the Government, and we very much hope that the Government will not seek to remove it in Committee.

We want more direction in the Bill. Wherever possible, and in accordance with the interests of the child, the default position should be that an extended family member is the priority for a placement. We want greater safeguards for children in care over the age of 16. As the Minister mentioned several times, it is absurd that the majority of children leave care at the age of 16 or 17, when they are facing most turbulence in their lives with exams at school, the possibility of getting a job and trying to sort out accommodation. Yet for our sons and daughters, with their birth family, that happens when they are at least 24. We look forward to a discussion with the Minister on that front. There has been some progress since the Children (Leaving Care) Act 2000, but 41 per cent. of children leave care by the age of 17.

We need to give more focused, ongoing support. We need far tighter controls over multiple placements. We need greater specifications for the qualifications of responsible social workers who visit children placed out of the area, usually in children's homes—out of sight and out of mind in too many cases. That was supposed to happen already. Some of us took a delegation to see Lord Warner, the then Minister responsible, but it is still not happening in too many places. In my authority in West Sussex, it is estimated—it can only be an estimate—that more than 700 children have been placed in the care system by other authorities. That compares with 42 children placed by West Sussex out of county—in Kent, the figure is estimated to be 1,250. Yet the local children's service department, the local police, the local council or the local justice system must pick up the pieces when things go wrong. That notification should be happening; it is not happening, and it must happen in the interests of all those involved.

Clear concerns have been expressed by the National Association for the Care and Resettlement of Offenders, which produced a survey showing that 81 per cent. of looked-after children appearing in court in those areas where they were placed out of their home authority did so without the prior knowledge of the local youth offending teams. Again, that is an absolute travesty.

We welcome the inclusion in the Bill of a designated teacher responsible for promoting the welfare of looked-after children. Again, that should be happening already—if it is not happening, it must happen, and the guidance must be followed. We also want a designated governor to oversee that teacher and ensure that the governing body is fully behind the new role, and we shall table amendments to that effect.

We will table amendments stipulating that incentive payments cannot be paid to local authorities to increase adoption numbers, which is a perverse incentive that we cautioned against during the consideration of the Adoption and Children Act 2002. One has only to look at the extraordinary discrepancies between the number of adoption placements in certain authorities and the Minister's admission that those payments had been made to question why that perverse incentive still exists. In Committee, I will quote the Minister's written answers to my

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parliamentary questions, which show that those payments, which are not in the interests of children, have been made.

We also want to give greater powers to foster carers, so that they can take on the role of as normal a parent as possible. We want them to have the authority, without having to refer back to the social worker, to say whether a child can have a sleepover with a mate from school or go on a school trip. At the moment, much of that must be delegated back to the social worker. We need foster carers, many of whom are long-term foster carers, to be able to play the role of the pushy parent—a figure whom those children lack and so desperately need in the place of a birth parent.

We need to give foster carers greater powers by sending out a clear message from the Government to local authorities to back them. Similarly, we need safeguards to ensure that foster carers do not become the victims of vexatious allegations by difficult children. There needs to be a balance so that children are protected. As we heard from foster carers again today, too many vexatious complaints against them result in their being instantly suspended and their allowances being suspended too. We need to get the balance right.

In our amendments, we will return to the thorny subject of private fostering. It was mentioned and recommended by Sir William Utting in 1997 and by some of us in amendments to the Adoption and Children Act 2002. It was mentioned in my private Member's Bill in 2003 and again in 2004, when the Minister came up with a sunset clause that the Bill will extend and that we will try to abolish. Surely, now is the time at long last to implement a proper legal requirement for the registration of private foster placements, given that the voluntary scheme has yielded only a relatively small number of cases. Too many private fostering schemes go on at the moment without the knowledge of local authorities and without proper safeguards for vulnerable children, as we have seen in certain tragic cases over the past few years.

We also want to see better safeguards on birth parents' passing on medical records for adopted children. Again, there are too many cases of children who have been through the care system falling foul of what turns out to be a congenital illness. If the medical records had been available from their birth parents, preventive action might have been taken.

We also want to explore how we can get greater transparency in the family courts, which remains a serious bone of contention. We also want to see greater rights of sibling contact, if children cannot be placed together. A National Society for the Prevention of Cruelty to Children survey showed that 40 per cent. of children and young people said that they did not have enough contact with siblings. That evidence was backed up by A National Voice and the Who Cares? Trust. Such contact should not merely be allowed by local authority, but facilitated and promoted. I am sure that many other considerations will come up in Committee and I greatly look forward to debating children's issues with the Minister again.

Most of this is not rocket science. There are already many examples of good practice around the country. For example, a few months ago I opened the new Horizons education and achievement centre in Ealing. It is a fantastic institute manned by former care leavers who have been to university and come back and who now teach educational, computer and other skills to young people in the care system. It is no coincidence that 14 per cent. of children in care in Ealing now go on to university, which is substantially more than the national average.

In Barnet, the authority has invested in a buddy system. Every child in the care system has a buddy who is an officer in the local authority, from the chief executive down. That officer looks out for them and asks the questions that a pushy parent would ask at a school parents evening or about health records. Barnet invested in its social work force some years ago. It invested to save, and it is now no coincidence that the vacancy rate for child social workers in Barnet is less than 4 per cent., which is one of the best in London.

Other great examples of best practice include the Community Service Volunteers scheme—I think that the Minister has mentioned it. I declare an interest as a trustee of CSV. It has piloted the use of volunteer social workers in child protection in Bromley and Sunderland. The volunteers primarily support the parent with the stress of having their children on the register and the threat of their children being taken into care. They can establish more stability by helping parents to manage the heavy schedule of meetings with schools, social workers and health professionals, attending parenting classes and ensuring that children go to school or nursery, and they can help to organise a routine at home. When the approach was piloted in California, instances of child abuse fell by 80 per cent. The volunteers are viewed differently from social workers, who are metaphorically in uniform. They have a great role to play, and I hope that the legislation will allow the flexibility to promote similar schemes and the use of volunteers, whether through CSV or other organisations.

Family support is key. As the Minister has said, we are talking about children and the care system, but we need to do an awful lot more to prevent children from entering the care system in the first place. The charity NCH, for example, has been running the Phoenix project, which I recently visited in Merton. The project works with families in crisis using a solution-focused therapy model of work. Support is offered for a period of three months, with all interventions regularly reviewed. When the work is completed, families are tracked after six months to see whether their progress has been maintained. The project consists of a rapid response team, an adolescent resource team, family group meetings and so on. It has found an enormous fall in the number of children who then go off the rails, thanks to the fact that those families have been kept together.

Let me give a third example, which is another project by NCH in Fareham on intensive fostering. Intensive fostering has learned from the positive practice used in remand fostering of co-ordinating services around the young person. This tried and tested method has many proven benefits. Research by the British Association for Adoption and Fostering to evaluate the NCH's remand fostering scheme found that more than 70 per cent. of young people committed no offences during their placement despite persistently offending before and that all the young people were engaged in school, training or employment by the time that they left the placement. Intensive fostering has a great role to play, because it has been piloted and has been shown to work.

Those are good schemes that are working, and we need the flexibility to promote more of them. Perhaps there is too great a focus on the child rather than on the problems undermining a family that might result in the loss of a child to the care system. We need to talk more about fostering families, rather than just fostering the child, and keeping families together wherever possible. We need greater flexibility and greater innovation.

We must ensure that the work force is appropriately trained, motivated and free to get on with the job of looking after children at the sharp end. We need to end bureaucracy and the excessive aversion to risk that can culminate in perverse incentives to take more children into care rather than working preventively with families to keep them together. At the other end, the system hurries children aged over 16 out of the care system to free up social worker time and resources. That is likely to turn out to be a false economy as vulnerable young people slide back into the mire of the familiar problems that I described earlier.

We also need to listen more and take note of children and young people. A report by the "What Makes the Difference?" project revealed that 40 per cent. of young people in care said that they rarely or never have a say in a placement, which is another great sign of weakness that we need to address and reverse.

The Bill is a last chance for many in the care system whom we have failed for too long. Every two months' delay represents 1 per cent. of childhood with the child in the care system condemned to mediocrity and the likelihood of underachievement. That situation is simply not acceptable any more. It is an enormous waste to society as a whole, to us and, most of all, to the 61,000 children and young people in the care system for whom the failure to invest seriously in the problem has been a false economy for far too long.

We should approach the Bill by asking ourselves whether the current system, or the proposals, would be good enough for our own children. If we cannot answer yes, we are not doing our job properly. For those reasons, we wish the Bill well and will engage positively with the Minister in Committee.

7.8 pm

Hilary Armstrong (North-West Durham) (Lab): Before I start, I want to make it clear that I have a relationship with NCH that I have taken up again since I left government. I have been involved with the organisation for most of my life, although I took a more objective view, of course, while I was in government. I have been involved in the issue of children in care for many years and I trained as a family case worker many years ago, before several people who are taking part in the debate were born.

I know that the Government have taken the issue of children in care very seriously, and have made a series of efforts to change the opportunities for such children. Indeed, they have significantly increased investment: I am surprised that the hon. Member for East Worthing and Shoreham (Tim Loughton) did not acknowledge that. The reality is that significantly more investment has been made, both directly in the care system and in a series of other ways—through the work that my right hon. Friend the Member for Holborn and St. Pancras (Frank Dobson) initiated early on in our time in office on the Quality Protects programme, through investment in communities, through programmes such as Sure Start, through increasing support for parents and through the family intervention projects that the Government have supported.

However, it must be said that we are still not content with the results. That is why the Bill is particularly well timed. It allows us to take account of what has already been done, but it also says to all involved in the care system, "Have another look, because despite increased investment and increased opportunities, things are not working sufficiently well for the most vulnerable children in our society."

Two years ago, I was asked by the then Prime Minister, Tony Blair, to have another look at social exclusion. One of the issues that he asked me to consider was the care system. He was particularly arrested by the poor educational outcomes. For me, it was a good opportunity to look again at what we could do really to move things on again. There are lots of points that I could make, but many other Members want to speak in this relatively short debate, so I will confine my comments to some of the critical issues, although other issues raised by Members, including my right hon. Friend the Minister for Children, Young People and Families, are very important, too.

In particular, I looked at why we were not getting the results that other systems were getting, although we spent more per head on children in care than others did. There are two or three points to raise. The first is early intervention and preventive work. The Government are now much more clearly focused and targeted on that. As my right hon. Friend the Minister has heard me say many times, early intervention work has to be clearly focused and to systematically pick up the most disadvantaged children and families, and it must be rigorous. There are a number of programmes doing such work now. I am delighted that last week, the Government increased the number of areas that can benefit from nurse-family partnerships to 90, from the 10 that were initiated last year. That is proving to be the most effective programme worldwide, not only according to the cost-benefit analysis, but in terms of its impact on the most vulnerable children and their chance to have opportunities when they grow up and to not face the level of disadvantage that too many children do.

Generally, we have to be much more rigorous in picking up on the most vulnerable. That is a challenge to several people in the House who object to data sharing. I believe that it should be a criminal offence not to share data concerning the most vulnerable, because not to share those data is to say, "We think your individual liberties are more important than your opportunity to prosper and succeed." The two things get confused for the very young child. My right hon. Friend the Minister has problems ensuring decent data sharing. When we go to schools, teachers say, "We know which children will have difficulties as soon as they first come in," yet the data are not systematically and rigorously shared in a way that would ensure good intervention right from the beginning. Hon. Members can tell that I feel passionate about the issue; I will move on.

There are also preventive services to consider. The hon. Member for East Worthing and Shoreham mentioned NCH's work on family intervention. The Government have taken hold of, and extended, NCH and other projects. There will now be about 50 family intervention

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projects across the country. There are other ways in which we should intervene at the very earliest stage to give a family support, so that children do not end up having to be placed in care, for whatever reason. There are good programmes that we know work, and we have to get on with them in every area of the country. NCH makes a powerful point about children on the edge of care in its briefing for Members: good, preventive services involving the whole family can make a huge difference and can help to ensure that children do not end up in the care system.

In my second look at children in care, I became convinced that work-force issues are another area in which we have not got things right, so I am pleased that my hon. Friend the Under-Secretary of State for Children, Schools and Families is chairing a working party on the subject. I encourage him to be ambitious. Members present on both sides of the Chamber have considered the example of the social pedagogy model in Europe. Using that model would mean ensuring much better, longer training for people who work with our children, but I find it perverse that we continue to accept that sometimes the least qualified and trained people are those who work with the most vulnerable. As a result, they frequently do not take hold of a situation because they are fearful of it, and because they know that they do not have the quality, reserves, training or strategies to deal with whatever problem comes up.

When there is a problem that, in this country, would frequently mean someone calling the police, in Denmark, Germany and Finland, the key worker deals with the problem. Obviously, if it is a really serious problem, the police have to be called in, but frequently it is not, and the worker deals with it. I went to two or three children's homes in Germany where the worker would automatically do an hour's work with the young person when they came in from school, to make sure that the day was understood and that the young person knew what would happen the next day, and to support the young person in doing their homework. That was not considered anything special. An educational worker was not brought in to do that work; the child's key worker—the person who worked with them most consistently—did it automatically. I know that the Government are looking at the social pedagogy model, and I encourage them to be brave, to start pilots that involve social pedagogues, and to monitor the effects.

A point that struck me powerfully and that has made me stop and think a great deal is the relationship with the family once a young person is in care. In this country, there is the odd example of good work in that regard, but that good work is not nearly sufficiently systematic, and does not nearly take place often enough. Too many of the young people who have been or who are in care whom I meet are frustrated that they have so little contact with their natural family. I found that out way back when I was a social worker. Even if the relationship with the family has been destructive—even if it has been really poor—young people none the less want to know about their family. They want to know how to deal with them. They want to know who their mother and father are. They want contact. Too often, we say that that is too difficult and that they would be better off without it, or we just do not do the hard work to make sure that they are placed somewhere where that will be easy.

When I was in Germany and Denmark, it was not thought out of the ordinary if the parents came for breakfast or lunch, or visited in the evening. That was the norm, and the work force saw their role as negotiating the space between the child and the family. When the child leaves care, even if there has not been any contact, they go into environments that are not controlled for them. They go into a different environment, and many children seek to re-establish contact with their family, and they experience a series of different emotions, including anger, frustration and concern.

Tim Loughton: I am following very closely what the right hon. Lady is saying. I visited that children's home in Copenhagen shortly after she did. Is not the point, which she rightly makes, that in this country, things are black and white: someone is in the care system, or they are with their birth family? In homes in Denmark where children may go back to their birth parents or to a member of their extended family, or have them over for dinner during the week, there is far greater flexibility: there is a middle way. It is that flexibility that we lack in this country, and I hope that the Bill will go some way towards bringing it about.

Hilary Armstrong: I understand what the hon. Gentleman is saying, but it is about a bit more than flexibility. It is about the quality of the work force and whether they can handle that relationship. It is about whether they are confident about negotiating that space. Our legislation says that they are in loco parentis, which means that they try to be the parent, but frequently that is not what is required. It may be required for some youngsters, so it should be available, but the next stage is personalisation, to recognise much more effectively what the individual child needs and what is the right response to them.

Julie Morgan (Cardiff, North) (Lab): I have a great deal of sympathy with what my right hon. Friend is saying, and she makes an important point. Like me, she may have seen examples of foster parents in this country who have managed work with the child and their natural parents. They are a bridge, and use the negotiating skills that she described. Does she agree that we should move forward with that model, and provide help to develop the skills of families in their own homes? I am sure that she will agree that foster parents can do that.

Hilary Armstrong: I absolutely agree, and I believe that it is possible. When it works, it is empowering for foster parents, the children and the natural parents. It is counter-intuitive for most people, but we have to be brave on behalf of those children and young people, who do not get a good deal from us.

Mr. David Kidney (Stafford) (Lab): As well as foster carers having the role on which my right hon. Friend has just agreed, does she accept that there is no reason why residential care staff should not have the same role, too, and that residential care homes ought to become resource centres for such work?

Hilary Armstrong: I certainly agree with that, and I sometimes think that we have denigrated residential

care to damaging effect, because for some children it is the right experience. Wherever they are placed, the issue of where they come from and how it affects how they see themselves and how they behave in the world is the critical thing with which we have to deal. They must be able to get the confidence to know who they are, and be able to deal with that, so that they can deal with the rest of the world.

Finally—and this is probably controversial—it is too easy for local authorities just to let children go. I am pleased with what my right hon. Friend the Minister said about the "staying put" pilots, but we have to be more ambitious in future, and recognise that local authorities must take responsibility for a long time. They should not just agree that someone should keep a relationship with their foster parents, but should be legally charged if the child ends up in custody, for example. There should be incentives for local authorities to make sure that the child keeps out of custody. We should also think about rewarding them if the child reaches university or obtains a qualification that gives them the licence to work. We must be much more ambitious in how we look at local authorities' responsibility for children in care, so that they take responsibility for what actually happens to those children, instead of taking the view that they just have them for a period and do what is necessary, rather than regarding their responsibility as an ambition to transform opportunities for that child. That is where I want to get to—it is ambitious—but I know that we are going the right way.

7.26 pm

Annette Brooke (Mid-Dorset and North Poole) (LD): We would very much like to welcome the Bill, but obviously we are sad that it has been introduced against the background of extremely poor outcomes for our most vulnerable children for far too long. Thirteen per cent. of young people looked after for at least a year achieve five A to C GCSEs, against 62 per cent. of all children. Twenty-seven per cent. of the prison population was taken into care as children, as opposed to 2 per cent. of the general population. Children in, and leaving, care are at high risk of pregnancy—almost half of care leavers are mothers within 18 to 24 months of leaving care and, saddest of all, the children of children who have been in care are likely to be taken into care themselves.

However, there are many examples of good work and practice, and we need to make sure that there is much better access to good practice across the board. Our shared objectives today—and I believe that there will be a great deal of cross-party work on and support for the Bill—are about improving the life chances of a large number of young people. At any point in time, there are about 60,000 children in the care system. Some children are fostered on a short-term basis and can return to their families. Others go on to be adopted, and others are fostered on a long-term basis. It is particularly striking that 45 per cent. of children who enter care are adolescents. They are especially vulnerable, and they are not in the care system for long before being faced with the challenge of GCSEs.

I sincerely believe that we must be relentless in our ambitions for looked-after children, but we must be prepared to give support over a much longer period than has previously been the case in all local authorities. I am concerned, too, that a young person in our country is rarely taken into care after the age of 15. I hope that decisions are driven by what is best for the young person and their wishes, and not by local authority concerns about the cost of providing housing and other services.

In 2005-06, authorities in England spent a net total of £2.05 billion on looked-after children, compared with just £687 million on family support services—a ratio of 3:1. In a recent answer to a parliamentary question from my hon. Friend the Member for Yeovil (Mr. Laws), the Minister provided figures that showed great variations in the number of children taken into care per 10,000 of the population under 18. For example, figures for 2006-07 show that Kirklees had six such children; Merton, four; and Kent, four. However, on the same basis, other authorities had figures as high as 24. The boroughs that I cited with the lower figures have a spending ratio nearer to 2:1. We must conclude that, at the very least, family support is one important factor in the equation.

NCH tells us that the annual cost of a mid-range, intensive family support service to prevent admission to care is just over £300,000, which provides support for 60 young people and their families. An average success rate of 80 per cent. means that accommodation is avoided for 48 of those young people. Compared with the average cost of foster care or a children's home placement, it represents a large monetary saving. However, the greatest savings must be in respect of the value of the services to the people, which enables a child to remain with their own family and community, and in the contribution to long-term development and well-being.

Preventive family support services are all-important, as is ongoing support for vulnerable families and, indeed, support within the foster family, if that route is judged to be in the child's best interest. I listened with great interest to the right hon. Member for North-West Durham (Hilary Armstrong), who seemed to be almost describing a bridge between the family and the care placement—whatever that would be. It is quite an exciting idea, which could be backed up by the family support measures that are, basically, in place in some areas. My challenge to the Minister is in respect of what can be done to spread further the good practice on early intervention, which, according to the statistics, is clearly so lacking in many places.

In previous debates about children and young people, I have often felt and said that every child matters except young asylum seekers and children in custody. As the Bill has progressed through the other place, there have been welcome moves to address a few of the issues. I welcome new clause 7, which should have been included in section 11 of the Children Act 2004 when it was debated. The Border and Immigration Agency should be subject to the duty to make arrangements to safeguard and promote the welfare of children who have been trafficked or who are seeking asylum, placing an equal duty on all services that come into contact with children, and further steps could be taken—for example, with the appointment of a guardian for every unaccompanied child in the asylum process.

As has already been said, looked-after children and care leavers are over-represented in the criminal justice system. About 40 to 49 per cent. of children and young people in custody have been in local authority care at some point, and 18 per cent. are still subject to care

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orders. In the other place, the Government provided some welcome assurances about the new duty that will be placed on local authorities to visit every child whom it looks after, and about ensuring that they provide improved continuity of care for those entering or leaving custody. That is such an important issue that I hope the Minister will today reassure us about monitoring and about any future guidance and regulations. There is a much wider debate to be had about the numbers of children in custody, about deaths while in custody and much more, but I shall refrain from entering on that today.

When looking at the whole care system, a good starting point is always the views of the young people themselves. I shall touch on some of the key messages from children which emerged from the 2006 report "Children's Views on Standards" by Dr. Roger Morgan, the children's rights director. One of the first messages was:

"Treat each child as an individual, not as a member of a group."

Our general discussions have already touched on that point, but it was brought out very succinctly by a young person. Another message was:

"Allow us to have a real say in decisions affecting us".

A further message was:

"Improve asking and listening to children's views, wishes and worries - and feed back to us what you do with what we tell you".

We in this country are pretty bad at giving feedback, particularly when children have made a request. Another message was:

"The three biggest wishes about social workers are that they should help with personal problems, that they should get you practical help when you need it, and that they should always be there to listen to you."

One of the most important things that we must obtain from the Bill is the assurance for every child in care that there will always be somebody who is there to listen. That is the key relationship with the child. It might be at any time of the day, as we know from our family experience.

Mark Williams: Does my hon. Friend also see that role in a school context, to be undertaken by the designated member of staff? When we think of schools, we think about the undeniable need to raise expectations regarding academic achievement, but that pastoral role—that holistic approach—should also be developed by the designated teacher. Does my hon. Friend agree?

Annette Brooke: I do agree. That approach has been missing in many schools despite their having had guidance that there should be a designated teacher. We know that, in reality, it has not happened. Of course, the issue is not just about the academic side; underpinning that side is good pastoral care and appropriate care. We never know who the child or young person will find as their best confidant, but it is important to ensure that they find them.

Many aspects of the Bill attempt to address the issues that children and young people have raised, and I welcome the strengthening of the independent reviewing officer's role. However, more may need to be done about the independent aspect and the extension, so that more looked-after children have independent visitors. Both proposals aim to further the interests of children, but in addition independent advocacy is crucial because it ensures that the child's voice and rights are represented by a professional outside the system.

Early-day motion 1126, tabled by the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble), has the support of 144 Members. Recently, the Select Committee on Children, Schools and Families concluded:

"It is clear from all the evidence that a truly independent voice is needed for all looked-after children to ensure their needs and wishes are properly considered and acted upon in the care process."

Lynda Waltho: I welcome all that the hon. Lady has said, but does she agree that the extension of looked-after status to disabled children is a trick that may have been missed? They are often in placements for 52 weeks a year. On the Children, Schools and Families Committee, we have both heard of stories in which the most vulnerable of vulnerable children do not receive their visits or anything until it is far too late.

Annette Brooke: I thank the hon. Lady for her intervention. I shall certainly come on to that point, but at this stage I shall just say that independent advocacy is particularly important for those severely disabled children who may be forced by the severity of their condition to remain in a residential placement for most of the year. It is very important that their voice is heard, and in respect of children with extreme needs I can see that happening only when they have somebody who can work closely with them and almost tune in to how they feel about certain issues. That independent advocacy is vital, particularly when such children are far away from home.

As far back as 1997, Sir William Utting, in his report "People Like Us", concluded that looked-after children needed independent advocacy as a source of protection and as a means of making their voices heard within an otherwise closed system. Most importantly, children and young people say that they want advocacy. A National Voice indicated that up to 90 per cent. of children it surveyed held that view. There are two aspects: the expression of a child's views by those responsible for the outcome; and the representation of a child's view and their rights by a professional advocate. Those are two very different things, and the role of the independent review officer never entirely covers both aspects. I would firmly come down on the side of those who have long argued for a statutory right to independent advocacy for looked-after children when significant decisions are being made in their lives. It is sometimes suggested that with all these adults in a child's life, an advocate would be just one more, but I think it would help them to make sense of the roles of all those adults.

We have heard a lot about the work force, and of course social workers are absolutely key to the futures of looked-after children, who want a stable relationship with their social worker and find it very disruptive when there is a churn of temporary social workers in all the areas where there are shortages. The right training for social workers is absolutely vital.

I have some reservations about the proposal for independent social care practices. We do not know whether that will produce the outcomes that might be

achieved—we do not have evidence one way or the other. I can therefore see the point of having pilots, but we are in danger of having more and more pilots with long periods before evaluation. In this case, I wonder whether we will get more social workers or end up with the displacement of social workers. As the Select Committee said, the pilots need to fill the evidence gap on social work practices. It is vital that they are properly evaluated and are not rolled out unless there is clear evidence that they will provide essential continuity and stability for looked-after children. The evaluation must also take account of any knock-on effects on our local authorities in terms of whether there has been any diminishing of services, perhaps because of an overall shortage of social workers. The jury is out on that.

We saw some welcome policy evolution in the other place. We started with the commendable objective that we wanted to have as many children placed within their own local authority as possible, but overlooked the fact that some children need to access highly specialised provision that will not be in the immediate area. We have reached a point where local authorities have a duty to secure a sufficient and diverse provision of accommodation for looked-after children in their area, to make decisions that are in the best interests of the child when there are out-of-area placements, to take on board the issue of schooling, particularly in the critical years 10 and 11, and to look on kinship as a preference when there is consideration of a child perhaps being moved away from its immediate birth family. I have long been committed to the idea that we should expand the use of kinship care, which is very patchy across the whole country. We need to be clear about what financial payments are made in those circumstances. I am sure that we have all had visits to our surgeries from grandparents who are struggling to cope because there has not been the necessary funding.

Mark Williams: Does my hon. Friend fear that some local authorities have hidden behind the term "exceptional circumstances" in the existing legislation in respect of their willingness to award grants to grandparents and others?

Annette Brooke: I thank my hon. Friend for his intervention. I understand the point that we do not want people doing this just for money; it has to be more than that. On the other hand, I hope we can make progress with regard to situations in which hardship is created or where it truly would be the solution that was in the best interests of the child.

The hon. Member for Stourbridge (Lynda Waltho) intervened on me about looked-after status for disabled children in long-term residential care. The situation strikes me as very odd. I have heard from parents whose children go into short-term respite care and are upset because that means that they have to have looked-after status. It is an interesting anomaly that we need to consider carefully in Committee. It is clear that in relation to long-term residential care there would be several benefits in having looked-after status—an allocated social worker, a care plan, a contact plan, a health assessment and health plan, and so on.

We have heard about the excellent work that is carried out by foster carers. I, too, had the great pleasure of meeting many foster carers this afternoon, and I can only praise them for the work that they take on. It is important to provide the necessary training and to professionalise their work. In particular, I would like to see more use of intensive fostering, which is used in Scandinavian countries and keeps children out of custody. That is important. We need to give more support to foster carers. An issue that was particularly raised with us today is that 30 per cent. of foster carers are faced with allegations at some time or another, and there is the peculiar situation whereby they appear to be presumed guilty right from the word go, entirely contrary to normal practice in this country. It is important that fees should continue to be paid. We heard about examples where once allegations have been made, even if found to be unfounded, not only are fees stopped but those allegations appear on a criminal record. That can affect foster carers' futures. A full reason should at least be given of why the allegations were found to be unfounded. This is probably not directly relevant to the Bill, but I want to place on record the fact that it needs to be examined.

I emphasise the need to give more powers to foster carers, particularly those who are performing the parental role. When I was a chairman of education services in 1997, looked-after children would come to tell us how difficult it was to get permission for a sleepover. We have got through that problem, but now there are others whereby foster carers do not have the power to give consent for normal children's and school activities. Action must be taken on that.

I was pleased to hear the Minister announce that one of the pilots is to be in Dorset, so I will be able to look at it first hand. I share others' disappointment and frustration in the sense that we all think this is intrinsically a good idea and want to get on with it. I hope that the Minister will agree that as information evolves and the system is seen to be working, the pilots can be rolled out rather more quickly than might be the case if we were to wait three years for the evaluation.

I welcome the bursary that is offered to support looked-after young people at university, but there should be parity with further education and training. We want young people to take whichever route is the most suitable for them, and they are liable to be disadvantaged at this age.

On many occasions I have discussed the provision of therapeutic services for all abused children. In 2006, the then Department for Education and Skills said that of 60,000 children in care, 63 per cent. were in care because they had experienced some form of abuse or neglect. The long-term consequences of child sexual abuse include anxiety and depression, anger and guilt, difficulties functioning at school, poor self-image and difficulties with personal relationships and parenting. Adults who are being treated for mental health problems often identify childhood abuse as an influence. Research shows that 25 to 40 per cent. of all alleged sexual abuse involves young perpetrators, and the majority of those children and young people have been or are being sexually, physically or emotionally abused themselves. Therapy at an early stage could help to reduce the scale of the problems over time by breaking the cycle.

Therapy can transform children's lives, but provision is inadequate and patchy across the country. As a consequence of my long-term mission in this area, I

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support the need to address disproportionately poor health outcomes more generally. I welcome the Government's proposals to make guidance statutory for PCTs as well as local authorities, but I certainly want to explore in Committee how we can better address the significant physical, emotional and mental health needs of looked-after children. As far as their health is concerned, it is important to ensure that we have truly joined-up working at national and local level.

I shall also comment briefly on private fostering. In the Committee considering the Children Act 2004, I proposed a compulsory registration scheme for private fosterers. The then children's Minister, the right hon. Member for Barking (Margaret Hodge), said in defence of the notification scheme:

"The clause is in the Bill because we want to strengthen the scheme and give it one last chance to work...Secondly, we will require local authorities to monitor the operation of the scheme far more closely, and to provide information for us on how many registrations they achieve each year." [*Official Report, Standing Committee B*, 21 October 2004; c. 288-89.]

The figures so far show that there were 730 notifications in 2005, 980 in 2006 and 1,250 in 2007, against a background of an estimated 10,000 children being privately fostered. How can children be adequately protected and safeguarded if we do not know the conditions in which they are looked after? It cannot be right for the Government to say, "We'll have another three years, and we're going to do better this time." We need to know how the Government are going to do better in the next three years.

In reading the report of the debate in the other place, I felt that the noble Lord Adonis was always ready to say, "That's already in regulations. That's covered under this legislation. That's already in guidance." I am sure that that is absolutely true; so much should be happening to help looked-after children, but the fact is that it is not. The designated teacher is a good example: a provision was in the guidance, but surveys show that it was not put into practice. Time is short, and we must make the legislation work. I hope that we can all work together sensibly and seriously on this serious and important Bill.

7.53 pm

Mr. Edward Timpson (Crewe and Nantwich) (Con): Thank you, Mr. Deputy Speaker, for allowing me to make what is my maiden speech.

I wish to speak briefly on the Bill before the House, but before doing so, I want to pay tribute to my predecessor. For 34 years, Gwyneth Dunwoody served Crewe, from 1974 until 1983, and thereafter Crewe and Nantwich, with unwavering dedication and distinction. The longest-serving female Member of Parliament, Gwyneth Dunwoody was not only a truly great parliamentarian, but a uniquely formidable fighter. She stood up and fought for all her constituents and was steadfast in her belief in, and defence of, the independence of this House.

Gwyneth Dunwoody had a clear sense of what an MP is for and never wavered from her core beliefs. I am sure that hon. Members from all parties will agree that her enduring spirit, acerbic wit and unstinting passion for the Parliament and the people she served will for ever remain within the fabric of this House. We all owe her a great debt. As it is a privilege and honour to follow in her footsteps, so it is a privilege and honour to represent the good people of Crewe and Nantwich. I make known my gratitude to them for sending me here and I hope that I can repay their trust.

In the normal course of events, I would now seize the opportunity to take the House on a journey across my constituency. However, the events of my election were anything but normal. Many, if not all, hon. Members have already had the great pleasure of having visited Crewe and Nantwich in the last six weeks—most, I trust, of their own volition. Some Members had the undoubted advantage of moving into my constituency for the duration of the by-election, a worthy experience that I am sure will remain with them. Nevertheless, I ask the House to allow me a few moments to remind them of its many and varied qualities. What I hope they found was a place blessed with a strong and proud community and a deep and diverse heritage, together with people of frank honesty and open decency, for certainly that is true.

Known as the gateway to the north-west, Crewe and Nantwich straddles urban and rural communities that, together, contain a rich range of human activity and life. Lying in the heart of south Cheshire, Crewe remains synonymous with the birth and rise of the railways through the 19th and early 20th centuries, and indeed it was down to that industry that the town was born. Its influence in the town and the prosperity that came with it can be seen in the impressive array of Victorian buildings and open spaces. I recall my grandmother reminiscing to me about the tea dances she attended in the 1930s at the Crewe Arms hotel, the world's first railway hotel built in 1838. Crewe continues to play an active and central part in the railway industry today.

In recent years, Crewe has built upon its manufacturing base with a strong service industry that has attracted national and international investment from public and private sectors alike. In 1986, Crewe business park became the UK's first "green" business park, and developments such as the Crewe Gates industrial estate have encouraged new business and industries to move into the town. Crewe has a growing sense of enterprise that has enormous untapped potential. Further regeneration in and around the town centre can only help to set that potential free. My predecessor worked tirelessly towards her vision of Crewe becoming a university town. With substantial investment in place for many of the further and higher education institutions located in the town, that vision is closer to becoming a reality.

Nantwich is a picturesque market town that predates the Norman conquest. Those born within the town's boundaries are affectionately known as "dabbers", and there are many old wives' tales that purport to explain the origin of the term. Sitting on the banks of the River Weaver, Nantwich began as a salt town that gave way to a leather then clothing industry. Today, Nantwich boasts a thriving tourist trade. Visitors to Nantwich are attracted by the magnificent market square, dominated by the 14th century parish church of St. Mary's, christened the cathedral of south Cheshire, and surrounded by leaning half-timbered black and white Tudor architecture.

The English civil war reached one of its turning points at the battle of Nantwich in 1644, when the parliamentarians held back the royalists. While I have

every respect for the primacy of this Chamber, I am glad that that siege is only re-enacted every year on what is known as Holly Holy day.

The success of Cheshire cheese-making is celebrated annually at the Nantwich international cheese show. That is, in part, a product of the rolling open Cheshire countryside in my constituency, which is home to a dairy industry that is now, sadly, struggling. In the past seven years, more than 50 dairy farms in my constituency have closed and our farming community is in a desperate plight. The peppering of rural villages does what it can to support the rural economy, but these are parlous times.

Across Crewe and Nantwich, the role played by charities and volunteer groups has never been more important. My contact with young and old alike in organisations such as Crewe YMCA and Cheshire Age Concern has demonstrated to me the difference that they can make.

The people of Crewe and Nantwich have much to be proud of and I, as their Member of Parliament, shall work hard to stand up for each and every one of them. That includes those whose needs and vulnerability are among the most acute—children in care.

Having spent the past 25 years living with, and helping care for, many foster children, and the past decade working in the care system, I know only too well the fundamental importance of putting children first and giving them the childhood that they deserve. I, too, welcome the Bill and support its efforts to improve outcomes for children in care. It contains many praiseworthy objectives: improving stability of placement; education and support for longer; promoting early intervention, and increasing family support. However, we must ask ourselves: does it hit the spot and does it go far enough?

For too long, most social workers have started out on their career hoping to make a difference to the lives of disadvantaged children, but have finished up frustrated by risk assessments, box-ticking and targets, so that, eventually, their objective is to protect their department, not the children whom they are there to help. The time spent by social workers dealing face to face with the children whom they are there to protect, nurture and support is less than 5 per cent. of their working day. I believe vehemently in empowering professionals to do what they do best—their job. I hope that the Bill will go some way towards giving social workers the trust and freedom that they need to treat each child as a special case.

I welcome clause 20 and the statutory requirement that it introduces, but I would add this. Every designated teacher with responsibility for promoting the educational achievement of children in care registered at their school requires, in my view, additional training to ensure that each child's specific and specialised needs are properly met and that they are afforded the opportunity to flourish rather than fail. A case in point is the growing number of children in care who are affected by attachment disorder as opposed to attention deficit hyperactivity disorder. Teachers will need additional training to understand that difference and how to respond effectively.

I also believe that the Government need to increase the number of registered foster carers as a priority. A more embracing and welcoming recruitment programme, which provides better guidance and less bureaucracy, will, I am sure, stimulate more interest and commitment to a noble, rewarding, and, at times, undervalued role.

During the by-election campaign, I had the unexpected but great fortune to cross paths with the mother of three children fostered by my family some years ago. They are, of course, now my constituents, and, I am pleased to say, thriving as a family and as individuals. They are testament to how our care system can work. Sadly, we have been failing so many other children in care for too long. I trust that the Bill will be a worthy, albeit overdue, step towards making our children really matter.

I am grateful to the House for its indulgence. I will continue to champion this and all other causes that affect the people of Crewe and Nantwich—after all, that is my duty.

8.4 pm

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I congratulate the hon. Member for Crewe and Nantwich (Mr. Timpson) on his speech. I especially applaud him for his kind words about his predecessor, who was a perfectly splendid Member of Parliament and a role model for us all. I recognise his description of his constituency, having spent many an hour there recently and meeting many interesting people.

Perhaps most important, it is a pleasure to follow the hon. Gentleman's comments about the Bill. He has recognised its importance for vulnerable people, whom we all represent, and the need for us to move forward. Like him, I welcome the Bill. It makes a clear commitment to encouraging aspirations among young people in care and reducing the gap in outcomes that all speakers this evening have highlighted. That can be done only if children and young people feel cared for.

The results of a peer project, which a recent edition of *Community Care* magazine outlined, showed that the most important thing for young people was feeling cared for. It was heartening that three quarters of those who took part in the project felt cared for by their local authorities. However, it was often because

"of a particular individual going beyond the call of duty in the support they gave".

That could be a foster carer—many references have been made to their important role—a residential care worker, personal assistant, leaving care worker, social worker or a teacher. Words that are key to our debate summed up the research:

"The resilience many exhibited, despite often damaging pre-care experiences, suggests that additional practical support and ongoing emotional and psychological support could make a difference in helping them to achieve their ambitions."

Over the years, I have met many remarkably resilient young people. We should think about them and consider the way in which we can give them the additional practical and emotional support that they need, want and applaud when they get it. That is why the Bill is so important.

The pledge that local authorities set out to children in care must be more than words. I will mention some aspects of the Bill that I welcome before moving on to two key issues that I want to explore in more detail. Some issues have already been mentioned.

I welcome the new duty on local authorities to provide short breaks. I worked closely with my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) on a series of parliamentary hearings that

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ated the pressures on families with children with ies. A key matter that they called for was short respite care. I also supported a private Member's hich the hon. Member for South-West Devon reeter) promoted. Everybody who was involved e private Member's Bill and the parliamentary s will applaud this Bill's provisions for short

welcome the creation of the role of the designated the introduction of the bursary of £2,000 for vers going into higher education; the "staying lot; extending entitlement to the support of a l adviser up to the age of 25 for care leavers in on or wishing to return to education; piloting of the virtual head; and the additional funding onalised learning for children in care, who are at not reaching the standards that they should

hon. Members have mentioned poor educational es for children in care, but no one has pointed t children are often in care because they were outside the education system. Dysfunctional or personal problems meant that they were all en truants. By the time they enter the care they have already lost much schooling and, just ortant, the habit of going to school. They are nt to go back because they know that they will be their fellow pupils and they are embarrassed hat. Given that we are considering educational es for children in care, we must recognise the ound and examine the special measures that we roduce to keep them in school and bolster their nce as well as improving the education available

nt to talk about two areas in more detail: first, e of the child; and secondly, social work practices. ave not been mentioned in any great detail thus the voice of the child, I welcome the strengthening ole of the independent reviewing officer and the unity for more looked-after children to have dent visitors. However, I again urge the Minister ider the role of independent advocacy—I know eem to say that every time I meet him, but it is an nt issue. As has been mentioned, early-day motion n advocacy for looked-after children, which I has the support of 144 hon. Members.

purpose of independent advocacy is fundamentally t from that of the IRO or independent visitors. I want the Minister to misunderstand my championing pendent advocacy. I recognise what he and colleagues ut all professionals involved with the child having n advocating on their behalf. Social workers are as advocates on behalf of the people with whom ork, and teachers, foster carers and all the other involved will speak up for that child. However, g up for the child is not the same as sitting down em, asking them what they want and then putting shes into words. Sometimes those words will not that professionals want to hear. That is why the person needs an advocate.

s try to put ourselves in the place of a 12, 13, 14 ear-old going into a meeting with all those ionals, who are experts in their field. Would we pen our mouths and say things that we knew would annoy them or with which they would disagree? Some young people might do that, but a lot will not. That is why they need a voice to speak up for them—not someone to say what is best for them, but to say what they want. The young person might not get it, or it might be impractical; nevertheless, their voice should be heard.

As president of Blackpool Advocacy, I have seen for myself the vital work that independent advocates do. The question of who pays for independent advocacy was raised in an earlier intervention. That is an important issue. An advocacy service tries to get money from wherever it can to deliver the work that it does. The important point is that the service's contract—whether it be with the health authority, a local authority or whomsoever is paying for the services—makes it clear that it is independent. The young person who goes to an independent advocacy service will therefore be guaranteed independence and someone speaking up for them and nobody else—indeed, the advocate might argue with the person providing the funding.

As was mentioned earlier, in his report, "People Like Us", Sir William Utting emphasised the importance of advocacy services, which help to protect children in the care system. More than any other group, disabled children need independent advocacy, especially if they are placed away from home. Many children with a disability have communication problems. It is often frustrating for them to try to explain what their feelings are. The social care staff or other professionals who deal with them are all under pressure, and will often make assumptions about what that young person wants, instead of trying to develop the communication skills to understand what that young person is trying to say. Having an independent advocate working on behalf of young people with disabilities, and especially those with communication problems, is vital.

The Bill is very good, but it could be made even better, if the 13,000-plus disabled children and young people placed away from home in England could have a statutory right at least to be offered the opportunity of advocacy services. Not everybody will want or need them, but they should be entitled to the opportunity to ask for them. I therefore hope that the Minister will consider strengthening the guidance on that matter.

I know that there is already a lot of guidance on making advocacy services available, but I also know, from research that the Children's Society has conducted, that not many advocacy services have the skills to deliver to children with disability. Therefore, although I am arguing the case for independent advocacy and saying that the Government should do more to strengthen guidance on the matter, I am also arguing that advocacy service providers need to build up their services, so that they, too, can properly respond if, as I hope, we expand young people's entitlement to advocacy services. My final point on the matter is that the Children's Commissioner for England said in response to the "Care Matters" Green Paper:

> "Advocacy offers crucial protection where children face particularly complex circumstances, are in contact with ... different services, or have communication difficulties."

Again, I urge the Government to consider the issue carefully.

Hearing the voice of the child is especially important for children with disability who are placed away from home on 52-week-a-year residential placements. We in

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are fortunate, in that a Lancashire child can placed fairly near home, because Lancashire rge county. However, I know of many other ple who are placed far away from home, ere are no local services. My fear is that some ildren who are placed away from home will visitors, will perhaps lose touch with their ill not have someone who can speak up for might feel that their voices are not being

oung people not only need advocacy services, at least be considered for looked-after status, ery Disabled Child Matters campaign and paigners have argued strongly. Many of them y have looked-after status, but there are some ed children on long-term placements away e who are not looked-after children. Some of dren might not need looked-after status. I am the Minister to ensure that every child affected e looked-after status, because that might not iate. However, local authorities, which currently ity when placing a child away from home er looked-after status should do so within ed guidance from the Government.

hat there is a good deal of confusion about ed-after status means. It does not necessarily ild being in care. A child can be looked-after ion 20 of the Children Act 1989, which means arent still has parental responsibility but is n partnership with the local authority. That the ideal outcome for many young people. We d in many contributions this evening about tance of maintaining a child in the family or, ve to be taken out of the family for whatever f maintaining the link with the family. If a hild is looked-after under section 20 of the those links can be maintained. The child can that family link, but receive all the benefits ed-after status brings.

n, Member for Mid-Dorset and North Poole Brooke) listed some of those benefits, which e entitlement to a social worker, three-monthly n the social worker, a care plan and contact lth assessments and a health plan. However, nother key aspect, in that if the child has ter status for 14 weeks prior to their 18th the council has further duties of care at least child is 21. For a child with disability, that can ore important than for other children in care ked-after system.

those reasons, I hope that the Minister will strengthening the guidance. There was some the other place about every child being looked I am not saying that; I am putting the needs of first, and doing this for every child would not y be in the best interests of some children—it considered at the very least, however. I note ort from the four UK children's commissioners ited Nations committee on the rights of the ed:

concerned that disabled children in 52-week residential do not have the same statutory rights and protection children in the care system. These children should be ked after status to ensure they are provided with legal including more rigorous care planning provision and

those four commissioners.

I shall move on to make some brief comments on the proposals to establish social work practices. Social work practices could offer new opportunities to support young people and provide new opportunities for social workers to practise more creatively in supporting them. I am sure that local authorities would like to see clearer guidance from the Government on their role with regard to social work practices and on how their development might impact on the services that local authorities directly provide.

As the chair of the all-party group on social care, I know that we have recently completed an inquiry into the challenges facing the social care work force. Our key findings concerned status, recruitment and involvement. If these social care practices can improve the status, recruitment and involvement of social workers, they will be welcome. I know that the British Association of Social Workers has welcomed these proposals—well, it has certainly welcomed the setting up of pilots. Let us make sure that the pilots are practical, that they are spread around different parts of the country and that lessons are learned from them. If the pilots are successful, let us roll them out.

I note that some voluntary sector organisations say that they may rethink whether to bid to be involved in the pilots, mainly because of the possibility of proposals to pay them according to performance outcomes. I am sure that the Minister will liaise with those voluntary sector organisations on the development of an outcomes framework, which could be linked to payments in such a way as to reassure such organisations about their involvement in social work practices. It could be a win-win situation.

I finish by saying that I welcome the Bill, which includes wide-ranging measures that will improve the life chances of the very vulnerable young people for whom we, local authorities and parents have a responsibility. We should all work together to ensure that those responsibilities are fulfilled so that we and those young people can move on.

8.23 pm

Mr. Michael Howard (Folkestone and Hythe) (Con): It is a pleasure to follow the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble), who speaks with such authority on this subject, as, indeed, did my hon. Friend the Member for Crewe and Nantwich (Mr. Timpson). I am delighted to have the opportunity to endorse the tribute paid by the hon. Lady to my hon. Friend, who I am sure the whole House would agree has made a very distinguished maiden speech. He observed all the conventions, but he did much more than that. He paid eloquent tribute, quite rightly, to his predecessor and to his constituency, while also bringing to bear his experience and expertise on the subject matter of this debate in a very telling way. I predict that my hon. Friend will have a long and distinguished career in this House. It was a privilege to be present at such an auspicious start to his journey.

The House will be relieved to hear that I do not intend to develop the incidental reference in the opening speech of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) to the 2005 Conservative election manifesto. That is not my purpose this evening.

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elcome the Bill, but I want to focus on a r aspect that has not yet been touched on this

8 gives the Secretary of State a statutory duty ote the well-being of children, and part 3 sets mber of provisions relating to adoption. It is to nd practice of adoption that I wish to address rks. Clause 8 is, of course, quite right. There is profound duty for society as a whole than the g of children. We have all been shocked again by incidents of the most terrible abuse inflicted ren—incidents that we find it very difficult to an occur in our country in the 21st century. lies, too, where what happens does not hit the s and falls far short of grievous abuse, as many in our society suffer disadvantage of one kind er.

eal environment in which a child should grow loving family. That is what is most likely to the sum of human happiness. That is what is ly to lead to children growing up to enjoy full fying lives. That is what is most likely to lead to iding a life of unemployment and crime.

ng I say this afternoon should be taken to n the dedication of those who look after our who are in care. They have a difficult task and I te to them—to the vast majority of them—who very best to perform this task in a selfless and tious way. But the statistics tell us clearly that n care do less well—significantly less well—than ldren. The gap between the words with which ster for Children, Young People and Families er speech and the reality is, alas, a large one.

ptember 1999, the Government established ives for children's social services in England. I go through all 11; I do not need to, because the examples that I intended to cite have been cited by the Minister and my hon. Friend mber for East Worthing and Shoreham. Let me less touch on one or two. For example, 13.4 per ooked-after children missed at least 25 days of g in 2006. Among year 11 students in 2006, ent. of looked-after children obtained at least E at grade A* to G or GNVQ, compared with l figure of 98 per cent.—66 per cent. as compared per cent.

ellingly of all, perhaps, during the year ending mber 2006, looked-after children aged 10 or re more than twice as likely to have received a n or a final warning or reprimand than other

nclusion that I think any sensible Government raw from that depressing litany of statistics is re there is a viable alternative to care, and ular where it is possible for a child to be up within and by a loving family, everything should be done to facilitate that alternative, to e it and to smooth the path of those who want le it.

ost obvious alternative, or at least one of the ious, is adoption. Of course, that will not be in all cases for every child, and of course great parent is properly checked and helped to understand the difficulties and pitfalls that may lie ahead, but surely that does not mean that those who could provide a loving family should be discouraged, deterred or forced, as so many are, to look abroad for the child they want to bring into their family, yet as we all know, that is exactly what happens in far too many cases.

I have long been concerned by that state of affairs, but my interest was sharpened by a report that I read recently in *The Mail on Sunday* on the difficulties encountered by Gavin and Teresa Allen. Mr. Allen is an executive editor of the BBC's "Question Time" and "Politics Show", and Mrs. Allen is a director of a staff recruitment business. I should say that, as far as I know, I have never met either of them, although I did check with Mr. Allen this morning that he had no objection to my raising his case in the debate.

The Allens have been together for nearly 20 years and married for nearly 10. They have a comfortable home and supportive family and friends, and they were judged to be a suitable couple to adopt. They were willing to adopt any child who needed a loving family home. Yet despite years of trying, when it came down to specific decisions on specific children, adoption panels repeatedly decided that they were unsuitable in that case. They have come to the shocking and devastating conclusion that all they can offer is outweighed by the huge disadvantage of the fact that they are white and middle class.

The Allens' story is one of many. Their story, like so many others, paints a picture of adoption that is far from what I assume any of us in the House would want to be the case. Mrs. Allen told the newspaper:

"We have discovered that if you are white and have a decent living, the adoption authorities put you to the bottom of the pile."

What is more, it seems that adoption panels judge a child to be from a minority ethnic group even when they are mixed race and primarily white. Mr. and Mrs. Allen say that they were repeatedly rejected because of their ethnic background

"even when a child was only a quarter black, Caribbean or even Irish".

They were

"turned down to adopt a baby who was an eighth Jewish, something not even her foster family knew."

Why does this happen? Why are countless children left to be disadvantaged by the care system when there are available suitable adoptive parents? Mr. and Mrs. Allen say that they believe

"the answer is obvious... one social services director told us categorically that he would rather a black child be brought up in the care system than in a white family."

I pose this question to the Minister: is that state of affairs what the Government want?

According to the law, the paramount consideration in cases of adoption is the welfare of the child. That is exactly as it should be. It is true that the Adoption and Children Act 2002 requires an adoption agency to give due consideration to the child's religious persuasion, racial origin and cultural and linguistic background. It also requires an adoption agency to give due consideration to the wishes of the natural parent. But I repeat, according to the law the paramount consideration must be the

and cultural background have to be should not be able to prevent a child fr with adopters of a different backgroun child's best interests. Yet clearly, far t what happens.

Does the reason for that perhaps lie w guidance issued by the Government Act? That guidance emphasises the consider the child's religious and cult as well as any wishes and feelings that t or guardian may have about those matt the case that adoption agencies an departments are placing too much e part of the guidance and not enough o consideration of the welfare of the chi

The answers to those questions seer great significance. If social service misinterpreting the law, and misinterp to apply the law and the Government might provide my party—and partic Friends on the Front Bench—with a to change things while still in oppos After all, many—probably most—of th that exercise political control of the departments are now in the hands of party. If those departments are getti hon. Friends should be able to use the the situation right. If, on the other han wrong, the Government should chang to what seems to be the case, the law should be changed, and this Bill provide to do it.

I would very much like the Minist following questions. Is he satisfied with of affairs on adoption? If not—I ho satisfied—why does he think that social se and adoption agencies are getting it does he propose to do about it? I loo replies.

8.36 pm

Natascha Engel (North-East Derbys grateful for the opportunity to take important debate, especially as it is some of the most vulnerable children

The proposals are fantastic and will the general health and well-being of loo However, I want to speak briefly abou protections to all our children, and ab is currently not in the Bill but should forms of violence against all children.

I declare an interest as both a tr Youth Parliament and a passionate Children Are Unbeatable! Alliance—a cr group of more than 400 different professionals, which campaigns on t making the physical punishment on children illegal.

This year, hundreds of thousands hit—with the approval of the law. If about any other group of people, t public outcry. We would not be allow euphemisms such as "smacking" or ear". If I were to hit someone whose

my five-month-old baby in a supermarket just because he was screaming, there would be little protection for him against such violence.

Smacking means deliberately hurting children as punishment. It should have no place in a modern, civilised society, especially at the moment when we are trying to put an end to all forms of violence. Parliament must send an unequivocal message that hitting all children is as unacceptable and unlawful as hitting anyone else. This is an equality and human rights issue. Children and young people do not have the same rights and protections as adults, yet are often in far more vulnerable situations.

I urge hon. Members to listen to the professionals working with children and families, who say that the unclear, unsafe and unjust legal defence of "reasonable punishment" in section 58 of the Children Act 2004 should be abolished right now to give children equal protection from assault. I refer to the Government's public consultation only year, which concluded:

"Respondents generally felt that section 58 of the Children Act 2004 had made little positive impact on children, families and those working with them. It was considered that section 58 has not improved legal protection for children in cases of alleged assault by their parents. Many respondents felt that the only way to protect children is to ban physical discipline outright."

Our own children's commissioners last week called for urgent action on the issue. The United Nations Committee on the Rights of the Child says that reform should be an "immediate and unqualified obligation". Above all, I urge hon. Members to listen to children—like my own five-month-old who cannot even speak yet—and to hear their fears and concerns. When the time comes for a fuller debate on the issue, I hope that all Members of the House will give children the full legal protection from hit and hurt that all of us in here take for granted.

8.39 pm

Helen Southworth (Warrington, South) (Lab): I welcome all the steps taken in the Bill, but I think the most important comment that has been made about it is that it represents a radical step change in ambitions. I am sure the Minister will not be surprised to hear that I intend to begin by talking about the ambitions that we have for our children. What has been said today suggests that our ambition is not just to keep them safe and healthy: we want them to be happy, and then, when we see them safe, healthy and happy, we want them to achieve things. We want them to develop their own potential and become fully human beings, fully part of society, and fully achieving. At every step that the Bill takes, we must retain that ambition for the children whom it seeks to support.

It is extremely welcome that the Bill places a statutory duty on the Secretary of State to promote the well-being of children in England. That is indeed a radical step change. It represents a monumental difference in the way in which we in the House behave, because if our Secretary of State has that duty, we as Members of Parliament must have a duty to ensure that it is carried out.

The Minister will, again, not be surprised to learn that I want to press the ambition for children who are in care and leaving care to have the right of access to full and proper support until they are 21. If it is appropriate

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ut if that is not appropriate they should have proper, effective support. The Bill gives us tunity to stretch out and to aim high. An must be seized when the opportunity comes, the House must take the opportunity now to until the age of 21, young people need access t. The Minister said at the beginning of her at most young people do not leave home and ving parental support until the age of 24, so the age of 21 does not strike me as over-

rs have commented on how poor educational are among children in care in comparison r children. Only 12 per cent. of looked-after chieve five GCSEs or the equivalent, compared per cent. nationally, and only 6 per cent. of who were looked after at the age of 16 had igher education by the age of 19. In 2006, nt.—one third—of looked-after pupils did not SCE examinations or GNVQ equivalents.

children take a little longer than others to access, perhaps because they have rather more to overcome than others. The time when are sitting GCSEs or A-levels is also the time se in care are most likely to be leaving it. A f children leave care in their 16th year, at a n they are sitting exams. Very few children—a ion of the total—are still in care at the age of ow many are still sitting A-levels when they ched their 18th birthdays? For most children t particularly unusual, but for children in care that they will no longer have access to full and pport from a local authority.

ing Network has given me the example of a rent fostering a young person who arrived as a He had suffered significant trauma but had to deal with it, had settled and was beginning ed. This young man became head boy at his nd was studying for A-levels in the hope of university. When he turns 18, however, all rom the local authority will cease, at the time will be doing his A-levels. In order to provide for him, his foster carer is spending almost f her own money to convert the loft so that he with her while she fosters other children. That omenal commitment, but she should not have and many foster carers could not do it. That ides an incredibly convincing argument, however, ng sure that young people can access effective from somebody who is totally committed to cess.

eat that people will have access to advisers, but ut somebody they can phone up at night or at end so that they can tell them about things? hat makes the real difference when people are for support. What about that tiny fraction of n care who go to university, and who need re to go home to, or someone to ring up when e a problem? Also, what about those other eople who should be going to university, or on ional training or further education? We must re that they have access, too. We do not need

House know that people do not make it on their own. We have a duty to make sure that we give these young people access to proper support when they need it, especially when they have had a bad start anyway and they need our intervention more than others.

When Fostering Network first came to talk to me about this, I thought I should be focusing on some of the other cases that people had been bringing to my attention, such as the 17-year-old who was pregnant and very vulnerable, had been placed in a hostel for homeless people and been told she could not get accommodation until the baby was born, or the 15-year-old I was made aware of who was taken out of foster care and instead was put into bed-and-breakfast accommodation. I thought I should be focusing on them, but then I realised that I was suffering from a lack of ambition, because all these young people should be getting access to support up to the age of 21. They all need the same thing. We must stretch our ambitions, because if we do not, we will not deliver for the more vulnerable children who are in care and who are finding it difficult and do not have people to intervene for them. I ask the Minister to address this matter with serious intent so that we can bring it forward.

We should not rely on pilots, but instead act on what we already know and use the evidence that there already is. In 2006, Joseph Rowntree research showed that 36 per cent. of young people reported being homeless at some time in the year after leaving care, and the Rainer Home Alone report found that almost one in six care leavers had unsuitable accommodation. We should give them access up to the age of 21 to someone who can help them get into proper accommodation and do all the things that a mum or dad or friendly relative can do when young people are trying to set themselves up in their own home and work out how to live in an adult world.

The Minister will not be surprised that I also wish to bring up the matter of support for children in care who cannot handle it and who have run away. When Lancashire police set up their "mountains into molehills" project, they used some very effective computer systems to track the reports that they were getting about children who had gone missing. They found that they were spending more than £6 million a year on investigating reports and that each report was costing them in the region of £1,000 to investigate, and when they did further analysis they found that the majority of the reports were about young people under 18 and the majority of those were about people in the care of the local authority who were consistently running away. One young girl did so 78 times—a cost of £78,000 in police time that did not benefit her. However, when the police got together with the local authority and the care homes and identified which children were at risk, and started working with the care homes to do something about why they were running away and to deal with that, running away incidents reduced radically. We have had the same finding from a number of different authorities; Leicester police force found exactly the same thing. What they are telling us is that if we work effectively to identify children at risk and then work with care homes to identify why this is happening, we can put it right and prevent these young people from getting involved in all the things that some of them get involved in. The

issue showed that many of those young people were just running away from something; they were being eted by predatory adults and running to something. y were being groomed—and these were children in care of a local authority.

want to follow up the intervention from my hon. nd the Member for Stockport (Ann Coffey), who been working very actively on this issue, by asking Minister a question. Will he ensure that inspection esses involve reports of instances of running away of assaults, and that they take proper account of t is going on in care homes and of whether these gs are being dealt with effectively?

oday, we have had the wonderful launch of the ng runaways action plan, which is giving support for young runaways, but unless we make sure that care nes and their staff understand that they have a key to play and that it will be supported but also nitored, we will not make the proper change that we make, if we are ambitious, for children in care.

inally, will my hon. Friend the Minister give some ther thought to children in custody? We have had te a focus on the fact that a child in care is more ly to end up in custody than in university. I have had at is in many ways the privilege of working with ne of the people at the young offenders institute in orn Cross, in my constituency. I have been really pressed by the dedication of the staff there, who have n working extremely hard to make sure that young enders in that institute are in the first instance safe, also have the opportunity to understand why they there and how they can stay out in future. Those are olutely crucial things. I would be far happier, as rybody here would, if we could be far more effective, that young people do not get themselves into that ition. However, I want to know how the Bill is going perly to support vulnerable young people in custody, hat they have access to a social worker who is not elling a long distance and is perhaps unable to get re, but who is there and can develop a relationship h them, and who can be interested in and supportive hem in the long term.

also want to know how we are going to ensure that ng offenders have access to the kind of things being e at Thorn Cross, where the Cheshire fire service has ire cadet programme. Young people learn about ial responsibility, meet role models whom they can k up to, and are getting involved in doing good in r local community. It has been a very effective gramme. As effective, in many ways, has been the gramme from the Halle orchestra, which has been king with young people and involving them in music. en they are in a position to leave the institute, it tries natch them up with a youth orchestra or a band, so they have a different peer group. Such things are ly important in making a difference for young people. Thorn Cross has developed lots of relationships in local community, allowing young offenders portunities to use some of the skills that they are rning. Some of them have never had any opportunity education before, and they are getting NVQs at the ng offenders institute and then going out into the mmunity and helping voluntary organisations, thereby ting something back in. This is a really important e and I am raising it so determinedly because we people in custody, who are young people in care, and to provide them with every help and encouragement to stop offending.

The report by Anne Owers, Her Majesty's chief inspector of prisons, which was published in February, stated:

"The juvenile unit at Thorn Cross is the only open establishment for under-18s in the prison system. It is also the only juvenile establishment that this inspectorate has assessed as performing well across all four of our key tests—safety, respect, activity and resettlement. It is therefore particularly ironic that this will be its last inspection, as the Youth Justice Board has decided to withdraw funding and remove under-18s from Thorn Cross. This is therefore an obituary, rather than a report on progress."

She continued:

"This inspection showed that the Thorn Cross juvenile unit was a beacon of good practice in working with a small number of young people and preparing them for the transition to life outside prison. This is a model that should be built on, not abandoned. It may be that this would be better delivered through smaller units in a number of locations—and this is something that the Youth Justice Board is now reviewing. However, to close Thorn Cross before there are any concrete plans for alternative open units, and largely for immediate financial reasons, is both disappointing and retrograde."

I hope that the Bill will ensure that far fewer young people from care go into custody and that there is every opportunity for any young person who has committed an offence, in order to prevent any future offending. I recommend the Bill.

8.55 pm

John Bercow (Buckingham) (Con): It is a pleasure to follow the hon. Member for Warrington, South (Helen Southworth), to whose indefatigable and outstanding work, in particular on behalf of runaway children, I should like to pay the warmest possible tribute. I was delighted also to hear the hon. Member for North-East Derbyshire (Natascha Engel) reiterate her commitment to securing a ban on smacking, and for the avoidance of doubt I can say that if such an amendment to the Bill is tabled, I, for one, will be pleased to support it.

I hope that hon. and right hon. Members will understand if I reserve my most effusive words for my hon. Friend the Member for Crewe and Nantwich (Mr. Timpson), who is newly arrived in this place. It is customary, on occasions such as this, that hon. and right hon. Members, irrespective of party, should reflect upon the strengths of the Member and of the speech. In these circumstances, that poses no difficulty for me, because I echo the generous but thoroughly justified tributes that have already been paid to my hon. Friend. He spoke with wit, with eloquence, with passion and with wisdom—wisdom and discernment born of a direct experience of the care system, a hands-on involvement that gave him the knowledge that allowed him authoritatively and pithily to contribute to debate on the Bill. I, for one, welcome him as a new colleague and look forward with interest and respect to his future contributions to our proceedings, and I suspect that I will not be alone in thinking in those terms.

I welcome the Bill, which is an excellent measure. Doubtless, as so often these days, I shall contribute in my non-partisan way, which will provoke great suspicion and a certain amount of excoriating criticism from people who think that it is absolutely to be expected that one should try to behave in as tribal a manner as

o; when a measure is good, I believe in saying
ink that this is a good measure, in terms both
pose and, predominantly, of content, and the
ment should be applauded for what is,
tionably, an advance.

e that the Minister for Children, Young People
milies, who knows the very high esteem in which
er, will not take it amiss if I choose, therefore, to
y remarks not on the excellent contents of the
out which much has been said, but on those
ns to it, or amendments of it, that in my view
ake it better still.

st say that I enthusiastically endorse what has
id by the hon. Member for Blackpool, North
etwood (Mrs. Humble), which was underlined
rventions by the hon. Member for Stourbridge
Waitho) and others, including the hon. Member
d-Dorset and North Poole (Annette Brooke),
he merits of—indeed, the requirement for—the
n of a commitment to independent advocacy.
s not, in any sense, to belittle or dismiss the
ant improvements in arrangements in relation to
ndent reviewing officers. Much thought has been
o that subject, it has been open to consultation,
ers have reflected on the matter, and Lord Adonis
ted himself in the other place with a diligence
eadth of mind that most of us who know him
ome to expect from him.

ply put it to the Minister of State that the role of
ependent reviewing officer is important, but it is
ete role. The role of the independent visitor is
ant, but it is a separate function. The role of an
ndent advocate should be established, valued,
ted, extended and made an entitlement for people
because of its own merits. It seems to me that the
ance of the role of the advocate is that he or she
be genuinely separate from, uninfluenced by and
ndent of the decision-making process that his or
vices on behalf of the child or young people
ope to influence.

sters have said that, yes, they can see the merit of
cy, but they seem to be slightly timid and
ensive about making a commitment to independent
cy an entitlement. The argument has already
owerfully made. I think it could be contended
orcefully—I am not a lawyer; I say that as a
of some very considerable pride—that article 12
United Nations convention on the rights of the
ould probably make a potent case in support of
ablishment of independent advocacy. Moreover,
that particularly strongly in relation to those
n in care who have special educational needs.
ouse will be conscious of the fact that that is
ing to which I attach great importance.

e has been a litany of statistics already in the
I simply want to underline one figure that was
d in an earlier speech: 28 per cent. of children in
ve statements of special educational needs, as
red with 3 per cent. of the school population as a
The hon. Member for Blackpool, North and
ood, in a compelling speech, gave the example of
children who have communication difficulties.
night have learning disabilities; they might also
from severe physical disability, but they might

not. I want to underline the fact that children or young people with speech, language or communication difficulties of a significant intensity should be regarded as suffering from a disability every bit as anxiety provoking, debilitating and potentially life or potential limiting as would be a physical impairment or a mental disability. For children who probably know what they want, know what they need, know what their interests are, know what they want to be done for them and know how they wish to contribute to its being done to be unable themselves to articulate it is quite the most breathtakingly frustrating state of affairs. For such children, the right to independent advocacy could make a decisive difference.

The Minister of State has probably heard me make the point before that in relation to special educational needs—I respect the fact that the Government do not agree with me on this point—I feel that local authorities are in a virtually omnipotent position, in the sense that they assess, decide, pay for and more often than not provide what the child gets by way of special educational needs provision. My own view—it is shared by some although not by all contributors to the special educational needs debate—is that it would be wise to separate the assessment of need from the funding of provision. Whether or not that is desirable, I put it to right hon. and hon. Members that, if the average child with SEN is in a bit of a difficulty in negotiating with either a recalcitrant or simply a cash-strapped local authority, we should think how much worse it is for a child in care who does not even have the advantage of a parent or parents articulating, advocating, agitating, lobbying and campaigning on his or her behalf.

In those circumstances, there is a compelling case for independent advocacy, and I would go further, as did the hon. Members for Stourbridge and for Blackpool, North and Fleetwood, in saying let there be an extension of looked-after status from those formerly described as being in care to those who are permanently resident a significant distance from home within the education system. Decisions will be made on their behalf. Events are unfolding. Judgments have to be made. Advocates are required. It is not too late for the Government, during the passage of the Bill, to reconsider their position.

What I am bothered about above all is the concept of the unchallenged omnipotence of the public authority. Against that, one needs a counterbalance.

Angela Watkinson (Upminster) (Con): Does my hon. Friend suspect that there are occasions when the outcome of an assessment can be informed by the availability of funding to provide the right treatment?

John Bercow: There is absolutely no doubt that some judgments are determined on the basis of available resources rather than on the extent of the need. If I am to be fair to the Government, I must say to my hon. Friend that in probably any imaginable system some regard will have to be paid to resources. There has to be some limit; it is not possible to satisfy every demand. It seems to me, however, that the difference at the moment is that there is an inbuilt incentive to keep costs down and perhaps in some cases, inadvertently and subliminally, to put the issue of the purse before the requirement of the child or young person.

Reference has been made to the educational provisions of the Bill. I welcome what has been said about the designated teacher. The Government will want to take care to ensure that it is not automatically assumed

oss the country that, for example, the post should be
en up by the special educational needs co-ordinator.
ight be advisable for that to happen, but it should
be assumed as a matter of course. If the SENCO
ady has an extensive miscellany of responsibilities
rather limited time in which to fulfil them, there
ht be merit in having somebody else perform that

There could be a need for training. That will involve a
t. It will require backfilling so that that member of
f can go away and receive the necessary training,
ce, instruction and practical experience before coming
k to deliver. There is thus a world of difference
ween the proclamation that such a thing should
pen and the observable evidence on the ground that
happening, but I am sure that the Minister is aware
that. We have to start somewhere and I welcome the
lusion of that measure in the Bill.

share the concern that there is a mismatch between
commitment to an entitlement for those going into
her education provided for in clause 21 and the
erence in the context of those seeking to go into
ther education to assistance to enable them to do so.
ose words were not chosen accidentally. They clearly
note a difference in terms of the intent and scale of
nisterial commitment. Let me be absolutely clear: the
overnment are right on higher education, and the
easure is consistent with the agenda of trying to raise
piration, to lift young people up and to say that there
ould not be some sort of artificial ceiling. Of course,
storically, the figures for participation in higher education
those in care have been lamentably low. Although
ey have somewhat improved of late, they remain
ossly unsatisfactory. That has been the case under
ccessive Governments.

I do not knock the commitment that the Government
ve made. Moreover, I think that the chosen figure of
ouple of thousand pounds is not entirely arbitrary. It
s been chosen on the basis of the expected debt levels
someone coming from care into higher education
d so on and on the financial disincentive that the
esent arrangements apply. That makes sense, but we
e in danger, if we do not amend the Bill, of discriminating
ainst those who want to go into further education,
cational training or apprenticeships. I cannot see any
erit in doing so.

Comment has already been made on the fact that
ge numbers—by far the majority—of people in care
ve before the age of 18. If they are still in care and
ve at the age of 19, if memory serves me 30 per cent.
ter the not in education, employment or training—or
EET—category. There is a concentration of need
ong those leaving the system who are uneducated,
trained, unqualified, often historically and currently
well, and unable effectively to equip themselves to
ntribute to their own personal fulfilment or the strength
the economy or public services. We ought to be
ying, "Let's support them if they want to go on to
rther education." Not to do so constitutes unwarranted,
unintended, discrimination, for the reason that I gave.
ut it to the Minister of State and the Under-Secretary
State for Children, Schools and Families, the hon.
ember for Cardiff, West (Kevin Brennan), that that
ems illogical.

One could be forgiven for thinking, if one were a
nic—but I do not because I am not—that the
overnment were minded to provide higher education
funding on the grounds that there will not be that much take-up, so the cost to public funds will not be all that high. That would be an unworthy basis on which to operate, but the Minister is nothing if not worthy, conscientious and dedicated, so I do not think that that can be the reasoning; however, that is how it looks to the cynic. We should make a comparable commitment to those seeking to go on to training, further education or apprenticeships; we will then be applying an equal standard to both categories.

I add my support to those who say that it was right for the Bill to have been amended in the other place, courtesy of the efforts of my noble Friend Baroness Morris of Bolton. I agree with new clause 7: it seems entirely right that the list of organisations subject to a public duty to promote the welfare of the child or young person should include what was the Border and Immigration Agency and is now the UK Border Agency. If right hon. and hon. Members look at the Children Act 2004, they will see a plethora of organisations that will be subject to a duty to promote the welfare of the child, although their primary purpose is something other than the promotion of that welfare. We are talking about the national health service, the education service, children's service providers, the Prison Service, the probation service and the police service. To my knowledge, it is no longer argued about any of those that the imposition of that duty would somehow prevent them from fulfilling their primary purpose, or would dilute their effectiveness in seeking to do so. If they can combine their wider responsibilities with the fulfilment of [illegible] see absolutely no reason why the UK Border Agency should not be able to do so.

The Minister has distinguished experience in other Departments, including the Home Office. I ask her not to let the Bill be driven by the preconceptions or apprehensions of the Home Office. I appeal to her to be bold. There is sometimes a concern that one has to appease the red-top tabloids—that the media are obsessed with the level of immigration and that, to some extent, one has to diffuse the tension, allay the anxiety and remove the opportunity to be beaten with the tabloid stick. The Government should be bold about that. There will be cross-party support if the Government accept the Bill as amended in the other place.

What is more, public opinion on such matters is more sophisticated and enlightened than colleagues sometimes suppose. Yes, people are concerned about uncontrolled immigration, and it is right that that should be addressed, but they are also concerned about the rights, treatment, entitlement and pursuit of the welfare of children. No one is more vulnerable than a child who has been trafficked into the country, or who is a persecuted, timorous, frightened but hopeful asylum seeker. I appeal to the Government to consider the matter. In other respects, they have tightened up on judicial review; if they are worried that it will not be possible to return children to their countries of origin under any circumstances, that fear is not justified. I appeal to the Minister at least not to close the door on the subject, but to consider the merits of cross-party discussions and an agreement to retain the Bill as it is.

I agree with what has been said by other hon. Members about extending the provision of foster care, as requested by the Fostering Network and the national organisation that offers advice and support on the subject. I am not

need so many pilots. The Northern Ireland
of Health, Social Services and Public Safety
iscellany of schemes, the results of which
bservable. There is a patchwork of other
n in other parts of the country, too. We
lay for the sake of delay. If we think that
sonable evidence base, let us go with it. The
ressive, and it should be celebrated.

oint is about the architecture of the Bill. I
l at it, but it carries an implication. As
ll notice if they look at the Bill clause by
e 45 clauses no fewer than 13 provide for
gislation such as order-making powers and
truments. One of the two schedules allows
vision, too. That is sometimes necessary.
t is not—and that is the case in many
the Bill. Fair dos. I am content with
substantial parts of the Bill are to be dealt
secondary legislation, and we are advised
f those provisions will be subject to the
cedure of the House whereby, unless there
equest to debate them, they are not debated.
bligation on Ministers to try to introduce
tions before the Bill completes its passage
House.

n habitual war cry on my part, but the
herwise is that we are to some extent voting
a poke. I would like to know more of the
il of that secondary legislation. Let us see
d Bill, and it is under the stewardship of an
apable ministerial team. I wish it well, but it
le a little bit better, and I hope that my
re taken in the constructive spirit in which
ended.

d Kidney (Stafford) (Lab): I must be brief.
Members, I heap praise on my noble Friend
s, who simply played a blinder in the other
resented a decent Bill well enough, but he
ully to constructive and, I thought, convincing
nade by peers and, as a result, he agreed to
ous changes that improved the Bill immensely.
anges such as placing the new duty on the
State to promote well-being, and the new
authorities to plan a range of accommodation
care; and he agreed to the right to breaks
for disabled children. Those were major
nts; I just want more in this Chamber.

associate parliamentary group for looked-after
l care leavers, the ethos of which is to bring
children and care leavers to Parliament,
people to speak directly to politicians and
n makers. As chair, I hear the same complaints
er again: drift in care planning; too many
e; the knock-on effect of educational under-
; unmet health care needs; poor preparation
care; too many children leaving care
tely at 16; a lack of suitable accommodation;
care; and the basic fault of not listening to
children, and not giving effect to what they
h the faces before me change, the messages

have identified the problems, politicians do not do anything about them. I therefore hope that the Bill provides an opportunity to do what they want us to do. The Government have not been inactive for 11 years—in fact, they deserve a lot of praise for what they have done for children in the care system. I remember the Quality Protects initiative; today, we have the brilliant Care Matters agenda; and, of course, there is the Children (Leaving Care) Act 2000. More generally—and it is important to place looked-after children in the context of all children—we have had the excellent Every Child Matters agenda and the children's plan.

At the end of March, the Government, the Association of Directors of Children's Services and the Local Government Association published an implementation plan called "Care Matters: Time to deliver for children in care", which provides all the tools and advice that people could possibly need to do a good job, and that brings me to the Bill, which gives them the job to do.

For me, the starting point is to avoid the use of care if at all possible in every case. That is not just about early intervention, as we have heard tonight, but about a child-friendly society. It is about eradicating child poverty, and making our communities much more supportive of parents and the difficult work that they do in bringing up children. If care is necessary, we should try to make it involve short-lived interventions that result in the successful return of children to their families. I use the world "family" in the broadest sense of the term, including kinship care. In particular, like other Members, I support those brilliant grandparents who care not only for their children, when they thought that they had seen the last of them as adults, but for their grandchildren.

I detect in clause 36 a helpful little step in the right direction in respect of the entitlement to apply for a residence order, but what is really needed to make care, such as kinship care, work effectively is properly structured support, including the ability of agencies to pay carers for bringing up children. I welcome in clause 24 the slight change in respect of cash payments that can be made to such people, but I am talking about help with the legal costs of getting the residence order and with the social security benefits that are constantly denied to the grandparents but that the parents would have received, and with all the other obstacles that are placed in people's way when they are doing brilliant work on society's behalf.

There is also no explicit provision for sibling contact. Although the local authority is required to allow contact, the authority is not required to facilitate it. Roger Morgan, the children's rights director for England, who has been mentioned already, recently published the views of 433 children on improving care standards. The fourth main recommendation from the children was:

"Care placements should be designed so that brothers and sisters can stay together".

The Bill carries across the provisions in the Children Act 1989 relating to a duty on local authorities to accommodate together siblings

"so far as is reasonably practicable".

However, we must look at using this legislative opportunity to strengthen the duty on local authorities both to place children together, unless it is not in their best interests to do so, and to support sibling contact as part of their

nment. Distress, emotional trauma or more profound
l health issues might reasonably be anticipated.
hose problems must be identified and addressed.
hoice of an appropriate placement depends on
ssessment, and work that is done early to provide
l health care or to promote emotional well-being
ften make a major difference th a child's life. The
nal Children's Bureau reminds us in its briefing
ps surprisingly of the many physical illnesses
onditions that are missed when children entering
are assessed. Those factors convinced me that
and money must be invested in the physical and
l health care and emotional well-being of looked-after
en to ensure sufficiently high standards of care for
oked-after children. On the question of how to
ve that, perhaps we can debate in Committee
her more is needed through the letter of the law,
gh regulations or through guidance.

the question of foster care or residential care, two
of three children who go into public care are
red. The majority of fostered children return to
own families within a year—clearly, a very successful
ome. However, foster care is not the right solution
ll looked-after children; it depends on the assessment
ch child's individual needs. When foster care is the
choice, none the less, there must be an adequate
ly of foster carers to meet the demand—that is, not
enough foster carers to meet total demand, but
gh to match individual needs. Issues about pay and
ort for foster carers also need to be addressed if
children are to enjoy positive experiences in foster
placements. Support should encompass a system
nvestigating allegations against foster carers that is
o complainants and fair to the foster carers themselves.

me constraints are beyond the control of foster
s, such as local authorities pushing children out of
at 16 and the current legal age limit of 18 for a
r care placement. We politicians must do more to
ve those constraints. Children in residential care
often, in their early lives, powerless in their families,
ey may depend on their residential care worker to
eir best advocate. All social care staff should be
professional development and support to enable
to be the most effective and efficient advocates for
hildren in their care. Their work must support what
ne to intervene in, and help, families, even before
ren become legally subject to the duties of local
orities.

s vital that we make social care work more attractive
at we can get away from the current situation, with
h we are all familiar, of a high threshold of intervention
amilies because of a lack of overall social care
city. That, in turn, should help to prevent the high
over that such children often experience.

ave been asked to be brief, so I shall make just two
tional points. First, many Members have called for
upport of advocacy for children, and I very strongly
ort it. Secondly, it is absolutely terrible that youngsters
aken out of care without preparations for independent
g, or taken out of care at 18 and put into a home
is not at all suitable for them. Many then fall into
ind of difficulties that we have heard about, involving
he depressing statisics cited at the beginning of the

the next generation and, I hope, for all the future
generations of children who will come into contact with
the care system. Let us ensure that we do good job of it.

9.24 pm

John Hemming (Birmingham, Yardley) (LD): As time is limited, I will aim to say everything that I want to say in about three minutes to allow for three minutes for another speech.

Hon. Members will be aware that I chair an organisation called Justice for Families, which concerns itself with failures and miscarriages of justice in the family courts. This debate is like "Groundhog Day" in that we are again talking about all the various processes such as kinship caring that we wanted to achieve years ago, but that still do not happen. In essence, that comes down to a failure of accountability. Tomorrow morning, as part of an all-party group of MPs, I will table two new clauses, one of which deals with how people take advice in the family courts and the accountability of the process while maintaining confidentiality. The other deals with how we scrutinise the decision-making process in the family courts. We will not be allowed to attack that particular aspect, which is covered by section 31 of the Children Act 1989. That section is in part 1 of that Act, while parts 2 and 3 are covered by the Bill and can therefore be amended.

It is important to listen to people such as the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble), who obviously understands what is really going on in this very complex process. Unless we find a mechanism for making all the practitioners—not just the good ones—follow the law, do things the right way, use independent advocates and avoid people perverting the course of justice by threatening to take their money off them, we will be wasting our time producing new statute, because it will be ignored by the worst practitioners. Another problem is that those practitioners are required to follow the Government targets, although I accept that the Government scrapped a lot of those targets from 1 April. The critical issue is one of accountability and following the law. Unless proposals for that are included, we will have all the nice fine words but things will continue in the same vein.

9.27 pm

Angela Watkinson (Upminster) (Con): I am most grateful to the hon. Member for Birmingham, Yardley (John Hemming) for allowing me a couple of minutes to squeeze in my speech at the end of this very consensual debate.

I would like to pick out two aspects of the requirement on Local authorities to provide suitable accommodation. That will be a great challenge in many cases. Occasionally, I find that 16 and 17-year-olds have been given council tenancies, but these young people do not have the life skills, personal responsibility or discipline to be able to cope with living independently. We need to find other ways of giving them a halfway house between being a child and an adult and giving them the support and back-up of an adult.

The other aspect is the requirement to provide respite care for families with children with very special needs. I think, particularly of children on the autistic disorder

n, whose families desperately need the opportunity
ite care. That accommodation will have to be
ade and very specific to the needs of children
not respond well to change and the unfamiliar.
ghly trained staff to look after them so that
milies can enjoy their respite without having to
bout whether their children are being looked
operly.

are two special challenges for local authorities
ding accommodation for young teenagers who
really mature enough to live successfully on
n without being a nuisance to their neighbours
providing respite care for those who look after
with very special needs.

Maria Miller (Basingstoke) (Con): We have
hroughout the debate agreement on both sides
louse that every child needs a stable, secure and
nvironment in which to grow and thrive, never
than when they are unable to live with their
rents and the duty to care for them falls on to the

easons why children come into care differ, but
out of three looked-after children the main
hy social services first get involved in a child's
se or neglect. Such children are already vulnerable.
support that they are given should provide the
and security that they need. It is important to
at the majority of children in care are aged
10 and 15, which is not an easy period of life
y children and certainly not for those subject to
noil of going into care.

y hon. Friend the Member for East Worthing
reham (Tim Loughton) has said, we welcome
ortunity that the Bill presents to shape important
ments in the way in which looked-after children
d for and to help them get the best possible start
is our duty to ensure that the Bill goes as far as
to address the many failings that hon. Members
erred to in their contributions.

the hon. Member for Stafford (Mr. Kidney) in
ulating the other place on many of the changes
made to the Bill. Government amendments in
r place have helped to clarify the need for an
presumption of the promotion of stability in
ild's life, with the child's family continuing to
ivotal role wherever possible. Family remains
nt, not only because family relationships are
the most important in our lives, but because
more than 40 per cent. of looked-after children
to live with their parents. That enduring
ship remains important, and the Government
ments in the other place recognised that more
be done in the Bill to spell out the important
the family in the hierarchy of options that a
s for placement, as set out in clause 8.

lause also highlights the need for local authorities
re that placements allow children to live near
hat education is not disrupted and that a child
h sisters or brothers, if they are also in care. Just
ill urges all involved in the care of looked-after
to raise their aspirations, the Government need
through Committee, we will seek the Government's support for further amendments.

The debate in the other place led to some important amendments, and I pay tribute to the work done by my noble Friend Baroness Morris of Bolton, whose successful amendment of the Bill in the other place has resulted in a clear and robust statutory duty on the Border and Immigration Agency to safeguard and promote the welfare of children who pass through its care by amending the Children Act 2004. A number of other Government amendments were added in response to important concerns expressed by the Delegated Powers and Regulatory Reform Committee and the Grand Committee. Today's debate suggests a great deal of scope for the Government to go further.

We have heard several important contributions from all parties, but none were more important than that of my hon. Friend the Member for Crewe and Nantwich (Mr. Timpson), who took the opportunity afforded by today's debate to make his maiden speech. I congratulate him on an outstanding maiden speech; he spoke movingly about his predecessor and her unstinting commitment to this place and to her constituents in Crewe and Nantwich. In the best spirit of maiden speeches, he brought to life the vibrant nature of his constituency, of which, as many hon. Members noted, we have first-hand experience. He brought to life its history and its potential, which I am sure will be realised through his hard work and commitment. It was most appropriate that he made his maiden speech on children in care, something of which he and his family have extensive experience. He spoke of some of the 86 children that his family fostered while he was growing up, and I am sure that his contribution has already demonstrated the value that he will bring to this place both from his family life and from his experience as a family lawyer.

We heard an important contribution from the right hon. Member for North-West Durham (Hilary Armstrong), who pointed out that the Government have made a significant investment in children in care in recent years. In the other place, the noble Lord Adonis confirmed that between 2001 and 2005 £230 million was spent to support children in residential care and £330 million was spent to support children in foster care. As the right hon. Lady pointed out, despite that investment only modest improvements, which do not match the investment, have been made. For example, the proportion of children who get five or more GCSEs has improved by only 3 per cent.

The right hon. Lady also mentioned the Government's need to focus on those most in need and her work on social exclusion. I hope that her words resonate with the Under-Secretary of State for Children, Schools and Families, the hon. Member for Cardiff, West (Kevin Brennan), who will reply to the debate, because she is right that the Government have not taken the action that is needed to focus on children most in need. I have highlighted that, especially in the context of Sure Start, for which the Government have recognised the need to improve and increase the number of outreach workers. However, there is evidence of worrying cuts.

Hilary Armstrong: In trying to paraphrase my words, the hon. Lady needs to recognise the huge improvement that 1997 brought. She was not here, but I spent 10 years

investment, or, indeed, much attention, for the
ct of our discussion. I therefore congratulate my
Friends, but I also urge them to go further.

rs. Miller: I thank the right hon. Lady for her
vention but, as she pointed out, investment is not
gh, because we need reform to ensure that the
ey is made to work hard.

y hon. Friend the Member for East Worthing and
eham made a characteristically excellent contribution,
h showed his commitment to and long-standing
on the subject. I want to highlight his comments
t the widening gap between looked-after children
their peers. Many hon. Members referred to those
ying statistics throughout the debate and the cost
that presents to the state if those children, left
out the support they require, enter the offenders'
m. Indeed, my hon. Friend pointed out that persistent
nders individually cost the state some £164,000 a
and perhaps we need to take more account of that
when we evaluate the importance of the measure.

y right hon. and learned Friend the Member for
estone and Hythe (Mr. Howard) made a valuable
ribution and raised an issue that other hon. Members
not mention—the problems that face those who
to adopt a child in this country and the apparently
whelming influence of a child's ethnic background
local authorities judge parents' potential suitability.
House will listen carefully to the Under-Secretary's
onse to my right hon. and learned Friend's contribution,
use my right hon. and learned Friend has highlighted
ssue about which hon. Members of all parties are
ly concerned.

he hon. Member for Mid-Dorset and North Poole
nette Brooke) drew attention to several problems
disabled children in long-term residential places. I
ure that that will be covered more fully in Committee.

wo hon. Members emphasised the importance of
pendent advocacy. My hon. Friend the Member for
ingham (John Bercow) spoke with his usual
ghtfulness and eloquence about the additions that
ould like to make to the Bill, and he highlighted
pendent advocacy as one issue that requires further
ination. He stressed the unique role that independent
cates play in supporting looked-after children and their
e for the more than one in four children in care who
have special educational needs. The hon. Member
Blackpool, North and Fleetwood (Mrs. Humble)
raised that issue.

y hon. Friend the Member for Upminster (Angela
kinson) raised, at the tail end of the debate, the
ortant issues of accommodation for those leaving
and of respite care. She also mentioned something
clearly requires careful discussion in Committee,
ely the challenges that the Bill sets local authorities.
y hon. Members have local authorities that do well
oking after the needs of children in care. My local
ority in Hampshire has great experience of kinship
I learned that that is not available in many parts of
country, but we take it for granted in my part of
pshire. We need to ensure that local authorities can
t the challenges that the Bill creates for them.

want briefly to pick up on something that the
ister for Children, Young People and Families, who
ed the debate, said about health inequalities. She
nded the House that half of all children in care
issue will be taken up either by the Under-Secretary when he closes the debate or in further debate, because only a fraction of those 27,000 children in care aged between five and 17 who have a mental health problem have any hope of receiving the support that they need. Indeed, briefings for this debate indicate that only 10,000 of those children will receive the support that they need from mental health services.

The Minister for Children, Young People and Families also discussed the importance of closing the inequality gap. I want to pick up on the words that my right hon. and learned Friend the Member for Folkestone and Hythe used about the gap that concerns us all on the Conservative Benches—the gap between the words used in debates such as this and the reality that is delivered on the ground. We all want to work together to ensure that that gap closes.

There were also contributions from the hon. Members for North-East Derbyshire (Natascha Engel), for Warrington, South (Helen Southworth) and for Birmingham, Yardley (John Hemming). Unfortunately, time is short, and I cannot go into great detail about the issues that they covered, but I am sure that they will want to play a full part in Committee and the remaining stages of the Bill.

The Opposition welcome the opportunity that the Bill presents. We will do all that we can to ensure that it is ambitious, to use the words of the hon. Member for North-East Derbyshire, and that it does all that it can to raise our aspirations for what can be achieved for looked-after children. As my hon. Friend the Member for East Worthing and Shoreham said in his opening statement, we will seek to press the Government further in Committee on a number of critical areas to improve the Bill's impact on the lives of looked-after children in all our constituencies throughout the country and to emphasise the importance of strengthening family contact, because the family is the source of our closest and most meaningful relationships, which is why we want to introduce a presumption of contact between all children in care and their siblings.

Because we know how important stability is for children, we want to reduce the bureaucratic burden for social workers, so that there is less turnover in that profession and that, as a result, children receive the continuity of care that they need. Staff turnover among social workers in London is currently 15 per cent. every year, and it is even higher in other parts of the country. That is not only a great cause of concern for the children involved, but a great waste for local authorities.

Additionally, we want to help children who wish to stay in care until they are 18, and we want to give care leavers a nominated social worker whom they can contact for advice. Most social workers do a remarkable job in the most difficult circumstances. Their profession has undergone a great deal of scrutiny, and some would say that their reputation had been bruised in recent years. That needs to be addressed head-on. As my hon. Friend the Member for East Worthing and Shoreham has said, we want to consider the appointment of a chief social worker, who would be the public face of the profession.

We want to ensure not only that foster carers are encouraged to enter the profession, but that they are protected from any unfounded allegations that may shake their desire to remain in it. We also want all

Maria Miller]

foster carers to be registered with their local ties to increase confidence in foster carers throughout ntry.

has been an important debate on how we can ve the situation for children who are looked after. ould pay tribute not only to those involved in ing the care on the ground for their tireless work, those national organisations whose knowledge pertise provide us all with an invaluable insight e work that needs to be done. I am sure that all on. and hon. Members would like to thank those sations that spent a considerable time providing h the briefings that we needed in order to have high quality debate.

conclusion, this debate shows that there is no lty in identifying the problems and no shortage of to raise the aspirations of those who work with -after children. However, over the past decade—and s even before that—there has been a failure to a real change for children who are looked after. this side of the House will work with the Government ensure that we make the most of this opportunity, se there is a will among all right hon. and hon. ers to ensure that the Bill really makes the difference ildren in care need.

m

Parliamentary Under-Secretary of State for Children, ls and Families (Kevin Brennan): We have had a high quality and mainly consensual debate this g, which is as it should be on this subject—one as neglected for many years, but that has had a deal more attention recently. As we have all said ening, it should have even more attention. The butions to the debate have often been enriched by ent personal experience and expertise, which has contributed to the quality of discussion.

ink that we share a common goal across the . My right hon. Friend the Minister for Children, People and Families set it out in the opening and hon. Members have continued to express it ghout the debate. Since tributes have already been to the other place, I would like to pay my own e, particularly to Lord Adonis, who did much of avy lifting on the Bill at the other end of this ng with considerable effect, panache and a great f support on all sides. The common purpose that trying to nurture is really about the well-being of child. We want to secure for every child in the y every possible opportunity to make the most of alents. That is the reason why the Department for ren, Schools and Families was created—to ensure very child has every chance of success.

uccessful future depends not just on exam results, egins at birth and it is nurtured in the home. It is ed from support, stability and significant adults are about children, keep them safe and encourage progress. That is what the Bill and the broader ns of our "Care Matters" agenda are intended to for every child, not just the fortunate few. We o try to make our care system truly world class, so ose children and young people who, for whatever , are unable to live with their birth parents receive l of care akin to that which any good parent would provide. It is the job of every professional within that system to support the well-being and development of children and young people as far as they can, not just as far as it applies to their job title. That applies not just to our care system, but right across children's services.

In fact, everybody is part of team Every Child Matters. This legislation is a core element of our "Care Matters" agenda, which will support high-quality professionals providing a high standard of service in a world-class system. The aim is to provide children and young people in the care system with those fundamentals that my right hon. Friend the Minister talked about earlier: good-quality parenting, raising aspirations for young people in care, and giving those young people a real voice and, most crucially, stability in their young lives. I am pleased that hon. Members across the House have welcomed many aspects of the Bill in support of those aims: securing local, stable placements as a priority; the centrality of the voice of the child in everything we do; improving care planning; and better support to help young people make the transition into adult life.

Members have raised other specific issues during the course of debate, and I will try in the time available to do some justice to them, even if I cannot do full justice to all. The hon. Member for East Worthing and Shoreham (Tim Loughton) told us about some of the amendments he intends to introduce as the Bill progresses, so we look forward to seeing them. He mentioned a welfare checklist. Of course, section 22 of the Children Act 1989 already sets a framework for local authority decision making. It makes it clear that local authorities have a duty to "safeguard and promote" the child's welfare; that the local authority must discharge this duty having particular regard to the need to promote the child's educational achievement; and that the local authority must consult the child and give due consideration to their "wishes and feelings" before taking decisions that affect them. and give due consideration to

"the child's religious persuasion, racial origin and cultural and religious background".

That is almost entirely analogous in content to the welfare checklist.

The hon. Member for East Worthing and Shoreham also mentioned the proposal to establish a chief social worker. Our approach, set out in the children's plan, which was published last December and was reinforced in "Building Brighter Futures", is wide-ranging and systematic in seeking to accelerate change across the whole of the children's work force. Our ambition for that work force cannot be achieved by central Government or any single partner alone. Furthermore, there is already a work-force infrastructure in place that carries out many of the functions suggested by the report, including the General Social Care Council, the Children's Workforce Development Council and the Social Care Institute for Excellence. Nevertheless, we look forward to seeing the hon. Gentleman's proposals.

I was surprised that the hon. Gentleman got into the business about adoption targets. I did not realise that he was rowing in that particular river. The only adoption targets, which ended in 2006 and which he will remember had their genesis in the Adoption and Children Act 2002—we both served on the Bill Committee—were on the number already in care and waiting to be placed for adoption, and on speeding up the process. Those targets reflected the Government's desire to reverse a long-term decline in the number of children already in care who

found a permanent home through adoption. The right hon. and learned Member for Folkestone and Hythe (Mr. Howard), whose remarks I shall come to in a moment, referred to that aim tonight and supported it strongly when we considered that Bill.

John Hemming *rose—*

Kevin Brennan: I will not give way, although I appreciate that the hon. Gentleman had only three minutes in which to speak. Oh, go on then.

John Hemming: The Minister is saying that best value 163 was scrapped at the end of 2005-06. Does he not agree that, in fact, it was still extant for 2007-08 and has been scrapped only since then?

Kevin Brennan: As I have pointed out to the hon. Gentleman on many occasions, there were no financial targets attached to the national adoption targets that we are talking about. Neither is there any evidence whatever that supports the contention that he has made on a number of occasions, which is that younger children becoming adopted is somehow linked to reward payments of some sort; there is absolutely no evidence whatever.

I can remind the House of what Mr. Justice Wall said recently about the hon. Gentleman's campaign on some of those matters:

"My judgment is that his self-imposed role as a critic of the family justice system is gravely damaged... I find it not only unacceptable but shocking that a man in Mr. Hemming's position should feel able to make so serious an allegation"

about that particular case

without any evidence to support it. In my judgment, it is irresponsible and an abuse of his position."

I advise the hon. Gentleman to provide evidence.

John Hemming *rose—*

Kevin Brennan: I am not getting into a personal dialogue with the hon. Gentleman because I need to refer to other hon. Members.

If I may, I shall move on to talk about some of the other contributions. My right hon. Friend the Member for North-West Durham (Hilary Armstrong) has great expertise in this area and she showed that this evening. She acknowledged what the Government have done so far and she played a large part in it, particularly in relation to some early intervention projects, which the hon. Member for East Worthing and Shoreham mentioned, although he neglected to mention that many of them were introduced on the Government's initiative and with Government support centrally.

My right hon. Friend also encouraged me to be ambitious about pilots in relation to social pedagogy. I can tell her that we share very strongly her interest in and commitment to social pedagogy, and we will shortly announce the successful tenders for developing social pedagogy pilots in children's homes in England. More than £1 million is being allocated for those pilots.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) made a number of comments in her usual thoughtful way. In particular, she referred to the issue of private fostering. The strengthened notification scheme introduced by the Children Act 2004 has had only two years of operation, so we contend that it has not operated long enough for us to assess it properly. It was also mentioned by the hon. Member for East Worthing and Shoreham.

We are not at this stage convinced that a registration scheme would offer safeguards in a way that notification cannot. We believe, as does the British Association for Adoption and Fostering, which works extensively on private fostering arrangements, that we should seek to ensure that the current arrangements are operated effectively and evaluate them more fully before introducing a new registration scheme. I am sure that we will discuss that topic further in Committee.

The hon. Member for Mid-Dorset and North Poole also raised the issue of variations of rates in care, which I am sure we can also discuss in further detail in Committee. Furthermore, she mentioned the UK Border Agency and the Lords amendment. We have certainly heard the points made by Members of the House and by peers in the other place in relation to that amendment. In the light of that, we will consider our response. I am sure that that is another matter that we shall discuss in Committee.

Like other hon. Members, the hon. Lady also raised points about advocacy, which I am sure we will debate in great detail in Committee. She quoted a little selectively from the Select Committee report, on the point that care needed to be taken with the pilots. I do not know why she omitted the previous sentence in the report:

"We welcome the provision in the Bill on piloting social work practices."

The hon. Member for Crewe and Nantwich (Mr. Timpson) graced us with his maiden speech, and paid tribute with great eloquence, and I am sure sincerity, to his predecessor. In my ministerial capacity, I received a letter from my late hon. Friend two days after she passed away, which started: "Dear Kevin, Thank you for your response to my recent letter"—I will not mention the subject—"it is totally useless." That sums her up. The hon. Gentleman also told us with great sincerity about his personal associations with children in care, and spoke effectively and passionately about the recruitment of social workers. I am sure that he will make a great contribution to the House.

I pay tribute to my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble) for her usual passionate support of advocacy. She will make her voice heard throughout the rest of proceedings on the Bill.

My hon. Friend the Member for North-East Derbyshire (Natascha Engel) spoke about an issue that is not in the Bill, namely smacking, although she will probably tell me off for calling it that. We changed the law on the matter in 2004, and I must emphasise that in the review from she quoted, the majority of parents did not support a ban on smacking. In the absence of evidence that the law was not working, the Government decided that there was no case to change the law.

The right hon. and learned Member for Folkestone and Hythe raised an individual case, which has been highlighted in the media, in relation to adoption. Obviously, I cannot comment on the individual circumstances of the case, although I have read those media reports. All I can say is that local authorities, under the law and under the guidance, must find a placement that meets the needs of the child. A child should not be denied the opportunity of a loving family only on the basis of the ethnic background of prospective adopters. The Government's policy is quite clear: it was set out originally in 1998 in the local authority circular, "Achieving the Right Balance". It has not changed—the matter was

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ader the 2002 Act—and local authorities should th that. I cannot emphasise that too strongly.

my hon. Friend the Member for Warrington, len Southworth) spoke with great eloquence n on these subjects. It was a great pleasure to 10 Downing street with her earlier today to e action plan for runaway children. With tary colleagues across the House, she has uge part in pressing the Government to take ongratulate her on that. She spoke movingly d to make sure that the transition out of care managed. I spoke to the Fostering Network y on some of the issues raised in her speech, ularly about the "staying put" pilots, which people in the 10 areas I mentioned today to ntil at least the age of 21. We will debate detail in Committee the reasons why at this stage collect the evidence to get that policy right.

ibute to the hon. Member for Buckingham cow) who, as ever, contributed with great to our debate and raised a number of extremely issues, with which I do not have time to deal tail now. Suffice it to say that we will take on point about secondary legislation, but we will nsult on the regulations.

basis, given the short time available to me, I the Bill to the House.

n put and agreed to.

ordingly read a Second time.

DREN AND YOUNG PERSONS BILL [*LORDS*] (PROGRAMME)

made, and Question put forthwith, pursuant to Order No. 83A(7) (Programme motions).

Committal

ll shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

dings in the Public Bill Committee shall (so far as not oncluded) be brought to a conclusion on Thursday 8.

blic Bill Committee shall have leave to sit twice on the which it meets.

Consideration and Third Reading

dings on consideration shall (so far as not previously be brought to a conclusion one hour before the interruption on the day on which those proceedings ced.

dings on Third Reading shall (so far as not previously e brought to a conclusion at the moment of interruption

ng Order No. 83B (Programming committees) shall proceedings on consideration and Third Reading

Other proceedings

her proceedings on the Bill (including any proceedings ation of any message from the Lords) may be . *[Mr. Khan.]*

n agreed to.

CHILDREN AND YOUNG PERSONS BILL [*LORDS*] (MONEY)

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills).

That, for the purposes of any Act resulting from the Children and Young Persons Bill [*Lords*], it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by the Secretary of State under the Act; and

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided. *[Mr. Khan.]*

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees).

SOCIAL SECURITY

That the draft Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008, which were laid before this House on 14th May, be approved.—*[Mr. Khan.]*

Question agreed to.

PETITION

Post Office Card Account

9.59 pm

Bob Spink (Castle Point) (UKIP): It is indeed remarkable that on this day, when I am due to present a petition asking for support for my local post offices, I should receive confirmation that the Government, under pressure from European Union regulations, propose to close yet another two post offices in my constituency. This is not a party-political argument, but a defence of facilities that are much needed for vulnerable groups, for the viability of our high streets and for the fabric of our communities. Again, Europe is the villain of the piece.

The petition states:

The petition of the residents of Castle Point and others,

Sheweth,

That the Post Office Card Account is important to community cohesion, that the Post Offices in Castle Point provide a vital service to the local community, but that their future is threatened by uncertainty over the continuation of Her Majesty's Government's support for Post Offices and, in particular, the abolition of the Post Office Card Account in 2010, which would be totally unacceptable to the residents of Castle Point, especially vulnerable groups who rely on Post Offices and the viability of our important high street shopping parades.

Wherefore your Petitioners pray that your Honourable House calls upon Her Majesty's Government to review its policy to abolish the Post Office Card Account in 2010.

And your Petitioners, as in duty bound, will ever pray, etc.

[P000213]

Post Office Closures (Birmingham)

Motion made, and Question proposed, That this House o now adjourn.—*[Mr. Watts.]*

0.2 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I m grateful for the opportunity to discuss post office losures with the Minister. I have a strange feeling that his is not the first debate on the subject to which he as responded, either on the Adjournment or in Vestminster Hall.

Most Members and their constituents, especially in Birmingham, know that few issues arouse the emotions s much as post office closures. I know from my own xperience that the implementation of the urban network einvention programme some years ago was very badly andled. Post office closure programmes have serious mplications for our neighbourhoods, not just commercially ut socially. When we lose our local post offices it is bout far more than services; it is about the local conomy, about the viability of our neighbourhoods, nd about shopping areas. For example, the Curdale oad post office in Bartley Green in my constituency lays an incredibly important social role.

According to recent research undertaken by Help the ged, 59 per cent. of older people considered local post ffices to be essential to their way of life and 61 per ent. of customers in deprived urban areas used their ocal post offices to access community services, while 6 per cent. went to the post office to meet their friends. Between 2001 and 2005, the proportion of elderly people who used their post offices increased. However, although t is clear that the local post office is part of the ommunity, I accept the need for change. I am not rying to defend the status quo; it is a question of how e can make changes in a sustainable fashion.

It is in the nature of the way the House organises its debates that this one is taking place at a rather peculiar ime. On 24 June, we in the west midlands will be fficially told which of our post offices are to be closed. There will be a six-week consultation period. If I understand he network change programme correctly, it is not a uestion of the number of branches in a particular eographical region that Post Office Ltd wishes to close, ut a question of which branches it intends to close.

A Member arguing against the closure of a particular ost office might well be asked "If we do not close this ne, which one would you like us to close?" I—and, I magine, other Birmingham Members—would like to resent some guidelines on where closures seem to us to e appropriate. There were tremendous flaws in the revious approach to reinvigorating the programme. hese flaws had long-term negative impacts in my onstituency and others.

In 1999, there were 18 post offices in my Edgbaston onstituency. Since then, seven of them have closed. I ccept that some of the closures were due to the choice f the sub-postmaster, but others were simply decided y the network reinvention programme. Let me offer wo local examples. The closure of the post office on rinces corner was due to the fact that no one could be ound to take it over. However, the Moor Pool estate xample is different. There was a small row of shops, of local shop became unviable and so did the other shops. To add insult to injury, the Post Office told us that people could always go to Bearwood, which is in the constituency of my right hon. Friend the Member for Warley (Mr. Spellar), but a few months later it closed that. People were then told to go to Harborne high street, where services were not expanded and we had queues going out on to the pavement. In terms of the current process, if we assume that people should go to nearby post offices, I hope that the additional work load and greater flow of consumers created is looked at, so that the remaining post offices can cope with the extra pressure.

Richard Burden (Birmingham, Northfield) (Lab): I congratulate my hon. Friend on securing tonight's debate. May I add to the point she makes about such post offices being able to cope? One of the problems with the access criteria laid down by Post Office Ltd is that they simply measure the distance of customers from post offices, not the density of population or the fact that unsustainable queues in post offices can easily develop. That should certainly be taken into account in densely populated areas such as Birmingham.

Ms Stuart: I am grateful for that point, as it takes me on to another issue of relevance in areas such as my constituency and that of my hon. Friend, which have communities with a disproportionate element of elderly people. While it might look fine on paper to say that 99 per cent. of the population are within 1 mile of a post office, for the elderly and those in residential care homes 1 mile might in fact be quite a long way. Therefore, we need to co-ordinate the programme properly in order to deal with neighbourhoods' specific needs. There are social, as well as economic, implications.

I wish to make it very clear that I am not advocating no change. It is very easy for Opposition parties to accuse the Government of recklessly closing post offices; they have done so over the past few years, especially during election campaigns.

Richard Burden: There are no Opposition Members present now, though.

Ms Stuart: No, none. It is interesting that the Opposition Benches are completely empty for this debate. Opposition parties' election leaflets can be quite seductive, but they have never offered any alternative.

Lynne Jones (Birmingham, Selly Oak) (Lab): In my constituency, during the local election campaign the Tory candidate suggested that two post offices would close, which caused extreme anxiety in the community, unnecessarily as it turned out as both post offices are doing well. A postmaster whom I spoke to last week is very angry that a picture of his post office was placed in Opposition literature along with a suggestion that it was under threat, when there was no reason for that.

Ms Stuart: My hon. Friend represents a neighbouring constituency, and she is right to say that it is most distressing when something as serious as post office reorganisation, which is necessary, is used as a political football, which it has been in this case. It is very easy to

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ost offices has changed. As MPs, we know that people communicate has changed. People use nd the internet much more, but there is also a ailability of bank accounts. That is why it is that the post office network has lost some customers recently, and it is incurring losses of 5 million a week. That is serious money, and as sible Government we have to deal with that.

he National Federation of SubPostmasters, as tand it, accepts that we need to make changes, have to be made in a sustainable way. Some ight want to argue that the Government and ice Ltd could have been more creative in looking new business could be created, be it foreign , travel and car insurance, broadband and so wever, in the light of the re-bidding for the in 2011, the key thing is how we maintain a that is sufficiently sustainable for a population Birmingham's and that has the key post offices , so that all members of the community who use a post office can do so.

Government do not have to be ashamed of their Before 1997, post offices were not supported or ed at all. Since then, we have invested some on in the network, and I understand that in the to 2011 there will be another £1.7 billion. This is nal subsidy of £150 million, so the notion that eckless free-marketeering does not stick—we are f the social responsibility. However, I am much ncerned that when we come to the re-tendering ost office card account contract, the structure of Office is such that it is in a state fit to tender for ntract and to supply the best services for our nities. Unless that happens, the 99 per cent. of ulation whom we want to be within 1 mile of g a post office will not be able to do so. If the ice itself does not realise that it has a significant ibility—if the decisions that it takes in the next eks are not responsible ones—it will reorganise to oblivion. I do not want that to happen.

n the announcement is made on 24 June, after ll our constituents will have a six-week period in o respond to the proposals, the people concerned look at the situation responsibly. They should whether the remaining post offices are in the aces—where post offices are due for closure, the xes and access for people to post their letters be maintained—and they should look closely at e alternatives are. I hope that the Post Office that when it suggests that people go to nearby ices, it needs to look at the capacity and in some tually increase it.

in all our interests that a network that has a rcial but also a social benefit is sustainable, that maintain it and that it is economically viable. t the Post Office learns from the mistakes that it the first round of the review. Our constituents, ng on how they feel on hearing the announcement, use that six-week period to make their ntations, so that MPs across the south of gham collectively—my hon. Friends the Members ningham, Northfield (Richard Burden) and for gham, Selly Oak (Lynne Jones) are here, but my iend the Member for Birmingham, Hall Green (Steve McCabe), who is not, is also very concerned about this issue—can take a responsible view and ensure that our constituents' interests are reflected, and that there is a long-term, sustainable post office network that will help all of us in the 21st century.

10.13 pm

The Minister for Employment Relations and Postal Affairs (Mr. Pat McFadden): I congratulate my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) on securing this debate. She is a very strong and effective campaigner for her constituents; indeed, her constituency is not too far from my own, so I know that she works very hard for the people of Birmingham, Edgbaston. I also thank my hon. Friends the Members for Birmingham, Northfield (Richard Burden) and for Birmingham, Selly Oak (Lynne Jones) for their interventions.

My hon. Friend the Member for Birmingham, Edgbaston is right to say that this is by no means the first time that the House has debated this issue. I understand that it is of concern to hon. Members in all parts of the House and that it is a difficult issue. This debate is slightly unusual in that normally when hon. Members discuss the issue, they wish to highlight one or two post offices in a particular area plan, but, as she said, the area plan for Birmingham, Coventry and Warwickshire has not yet been published, so we cannot talk about particular post offices in that area. I understand that the plan will be published on 24 June.

As a Minister, I do not have a role to play in selecting which post office may stay open or which post office will close as a result of the programme. That is rightly a matter for Post Office Ltd, and the process involves Postwatch, which is the consumer voice in all this, as well as MPs and other local representatives. I may say some more about the role of MPs in a moment or two.

This difficult process is driven by three big changes taking place in society, the first of which is a change in lifestyle. I accept what my hon. Friend said about the post offices in her constituency often being used, particularly by elderly people, but I am also aware that post offices are not used by most pensioners to pick up their pension, for example. Eight out of 10 pensioners have their pension paid directly into a bank account—among new retirees the figure is nine out of 10, and it is likely to grow. A lifestyle change in how we receive money and how we do things is part of this process.

Technology changes are also taking place. A service such as car tax online did not even exist a few years ago—it was not even available. At the beginning of last year, that service was used by about 500,000 people a month and it is now used by about 1 million people a month. Its use has grown that much in just a year, and it means 1 million people a month no longer go to the post office to renew their car tax.

The third change is competition. Other networks now bid for work that was traditionally done by the Post Office. For example, the BBC, not the Government, made a decision, as it is free to do, to give the TV licence contract to an alternative network. Hon. Members may have their views about that decision, and I am not criticising it. I am saying that it illustrates the fact that other networks are competing for business traditionally done by the Post Office.

It is easy to say that the Government should just stop
ose changes, but the truth is that society is taking part
those changes; it is changing how it does business,
d that is having an impact on our post office network.

Lynne Jones: But what role do the Government have
deciding the future of the Post Office card account,
ich pays out £27 billion a year? I understand from
stmasters and postmistresses that they feel that if the
st Office is not awarded that contract, a further 3,000
st offices will have to close. That decision is in the
nds of the Government.

Mr. McFadden: I understand that the Post Office
rd account is very important to our post offices. I
cently spoke at the annual conference of the National
deration of SubPostmasters, where that point was
ade very strongly. I hope that my hon. Friend will
derstand if I do not say too much about that matter
night, because, legally speaking, the process has to be
one by competitive tender and it is out to competitive
nder at the moment. The Government are committed
a successor product to the Post Office card account,
nd the decision on that will be made later this year by
y colleagues at the Department for Work and Pensions.
certainly understand its importance; but given that the
rocess must be done properly by competitive tender, I
ope that the House will understand why I do not say
o much about who should win. The decision must be
ken on a proper basis.

I was talking about the changes in society that affect
e Post Office, and my hon. Friend the Member for
rmingham, Edgbaston referred to them, too. All that—the
estyle, the technology and the competition—adds up
a situation in which our post office network is sadly
sing £500,000 on every day that it is open for business
nd has lost some 4 million customers per week. That
st of custom and business is why the National Federation
SubPostmasters has recognised the need for some
ost offices to close. Its general secretary said at the
art of the programme:

"Although regrettable, we believe that closures are necessary to
sure the remaining post offices are able to thrive in the future".

he federation recognises that, although this is difficult,
is necessary.

Recognition of the need to reduce the size of the
etwork does not stop with the National Federation of
ubPostmasters. Hon. Members may be surprised to
ote that that view is also shared by the Conservative
okesman who said that

e have to face the facts about the future of postal services in
s country... we fully expect the network to shrink in size." [*Official
port*, 19 March 2008; Vol. 473, c. 947.]

e do not often hear that quote repeated locally, but I
ope that, if political capital is made of the situation in
nstituencies in Birmingham, perhaps my hon. Friends
ight remind their constituents of the Opposition Front-
nch spokesman's expectation that the network would
rink in size.

I understand that no one likes their post office to
ose, even though many people do not use their post
fices as often as they used to. The Government's
sponse to the challenges that I have talked about has
ot been to walk away and to say that this is a purely
ommercial network and that no social role is involved.
e absolutely recognise the social and community role
having a strong post office network. That is why we
ve put so much public support into the Post Office.

My hon. Friend mentioned some of the figures. She is absolutely right. At the moment, some £1.7 billion is going into the post office network. That is on top of £2 billion, which went in before the current programme of support. Without that support, many more thousands of post offices would be under threat, over and above those that sadly have to close. So we absolutely recognise the social and community role of post offices.

Lynne Jones: I am very pleased to learn that, but will the money that the Government are putting in be taken into account when the DWP decides on the results of the tender for the Post Office card account? Surely, we must take that into account. It is not purely a commercial consideration if the Government have to support post offices and then take a commercial decision with another Department. It is all Government money.

Mr. McFadden: I am sure that the DWP will have heard the point that my hon. Friend makes. Even after the current round of closures has finished, we will still have a post office network that is three times larger than the top five supermarket chains put together, that is hugely larger than all the banks put together and that still has an unparalleled reach in both urban and rural parts of the country.

In the few minutes that I have left, I want to turn to some of the specifics that my hon. Friend the Member for Birmingham, Edgbaston raised about how the consultation works. She is right to say that the consultation is about the how rather than the whether. The letter to MPs sent last July from Post Office Ltd said that the consultation

"would not concern the principle of the need for change... nor its broad extent and distribution – that has already been established by the Government in its Response Document issued last May. Rather consultation will be seeking representations on the most effective way in which Government policy ...can be best implemented in the particular Area in question."

The Select Committee has also called on the Post Office to make it clearer that the consultation is not a referendum on whether people want to see closures, but is about how we will do this in certain local areas.

Ms Stuart: Am I right to assume that the Government have a view that about 11,500 post offices will be needed for the country whereas the Post Office is not quite committed to that ultimate number?

Mr. McFadden: I would not quite put it like that. The Government have made funding available for a network of about 11,500. I think that my hon. Friend is referring to the fact that, on a strict numerical basis, the access criteria set down by the Government would require fewer post offices than that, but the Government have funded well above the minimum needed to meet the access criteria. Not only that, but we have guaranteed that funding until 2011. We have provided financial stability for a network of about 11,500 post offices.

I was talking about the consultation process. My hon. Friend raised the different characteristics of several post offices in her constituency. Next week, when the details of the plan covering Birmingham are made public, if my hon. Friends or other MPs in Birmingham, Coventry or Warwickshire want to make representations, they should do so through Postwatch, which is the consumer voice. Postwatch has the capacity to ask the

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ice to review a particular closure, but only if the are breached. That process starts locally and nately go right up to Allan Leighton, who is the n of Royal Mail Group and can make the final on a particular local branch. A mechanism is o the system to review the cases of particular s if the Post Office has got it wrong.

on. Friend the Member for Birmingham, Northfield ed the access criteria. They are designed to easonable coverage in both urban and rural he £1.7 billion to which I have referred a couple s is not just the annual subsidy for running ds of post offices that would otherwise be under but includes some funding to deal with the issues that have been raised and to ensure that ation, as they call it, of business from one office bouring offices can be handled. I understand not merely a numbers game about the number es—it is also about the quality of service and nportant.

rd Burden: When my hon. Friend says that, will into account the experience of a number of masters? Although funding is theoretically available, g it is sometimes quite difficult for small sub- ters who operate on fairly narrow margins. That might be an area where we might need to have further discussions with Post Office Ltd.

Mr. McFadden: My hon. Friend makes a good point, but I hope that he recognises that up to £1.7 billion is a significant level of support. As my hon. Friend the Member for Birmingham, Edgbaston said, it is more support than was given by the previous Government, who provided no subsidy at all. I understand that the process is difficult, and that hon. Members will rightly want to make representations about it. I see no contradiction between accepting the overall need for change and making representations about particular post offices.

Lynne Jones *rose—*

Mr. McFadden: I am afraid that I do not think that I have time to give way again.

In future, the Government will continue to play our role by providing the subsidy that I have set out. However, the Post Office must play its role by continuing to innovate in new business areas such as foreign currency, insurance and broadband. There is no future in turning the clock back, but there is a future for a healthy, thriving post office network.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Ten o'clock.

House of Commons

Tuesday 17 June 2008

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Co-payments

Mr. John Baron (Billericay) (Con): What guidance Department has issued to NHS organisations on -payments. [211290]

The Secretary of State for Health (Alan Johnson): uidance has existed for more than 20 years. I have oday asked Professor Mike Richards—the national inical director for cancer—to review policy relating to atients who choose to pay privately for drugs not undec on the NHS. Terms of reference have been laced in the Library.

Mr. Baron: I very much welcome the Secretary of State's announcement, as will many campaigners up and down the country and in the House. The ban on co-payments was cruel, because, as we know, it took NHS care away from patients who were dying, and it was illogical because co-payments existed in other parts of the NHS. Will the Secretary of State assure the House that the review will not have the effect, however inadvertently, of kicking the issue into the long grass, because, as the case of Linda O'Boyle proved, patients want and need the change in the policy now, not in a year's time?

Alan Johnson: The hon. Gentleman has represented his constituent, Mrs. Linda O'Boyle, vociferously in the House and, indeed, on a non-party political basis, and many other Members on both sides of the House have raised the issue. It is time that someone with the expertise of Professor Mike Richards looked at the issue. It will hardly go into the long grass; I want Mike Richards to report in October. When the hon. Gentleman has had a chance to read the terms of reference, he will see that I am asking Mike Richards to look at very complex issues. I am not saying that he should come down one way or the other; I am saying that he needs to review the issue, given the need, which hon. Members on both sides of the House understand, to protect the principles of the NHS as a service free at the point of need and the very understandable concerns of Mrs. O'Boyle's family [illegible] involved to find out whether we can [illegible] and related to what is happening now in the NHS, that is fair to everyone and that resolves some of the problems that the hon. Gentleman and others have raised.

Mr. Frank Field (Birkenhead) (Lab): May I welcome the Secretary of State's statement? Many Labour Members welcome it, as well as Opposition Members. I am grateful for his emphasising that this is not a new policy; it is one that the Government inherited. May I add that, by in a sense time-limiting the review, he will increase support in the country for the outcome of the review, whatever it is?

Alan Johnson: I thank my right hon. Friend. He, too, has raised the issue in various debates in the House. The guidance goes back at least to 1986 and probably before then. I have no need to ask Professor Mike Richards—he will do this anyway—to talk to Members, such as the hon. Member for Billericay (Mr. Baron), my right hon. Friend and others who want to raise specific issues. That can be done in the time scale that has been set—certainly, Professor Richards thinks that it can—and, as I say, that will ensure that I do not stand at the Dispatch Box merely repeating guidance that has existed for 20 or 30 years. We can determine what we need to do now in the NHS to resolve some of these very difficult and complex problems.

Dr. Richard Taylor (Wyre Forest) (Ind): I also welcome the review that the Secretary of State has announced. Will he ensure that, in the deliberation, the needs of the silent voices—those who cannot afford the extra payments—are not forgotten?

Alan Johnson: The hon. Gentleman raises a very important issue. The scenario that many in the NHS feared, which has led to the guidance over the years, is that a patient in the first bed on a ward would be treated completely differently from the one in the second bed, because of their ability to pay. That is not the argument that has been raised by hon. Members in the House. I understand very clearly the fundamental points that are being made, particularly about Mrs. O'Boyle, who did not know that there was an obligation to pay for treatment until she had received it. But the hon. Gentleman, from his experience in the NHS, raises the fundamental, key issue, which I hope he will accept is very clearly set out in the terms of reference.

Clive Efford (Eltham) (Lab): Will the Secretary of State give an assurance that the review will not result in a lottery system in the NHS, whereby people who can afford to pay can buy better treatment than people who cannot afford to do so? Most hon. Members on both sides of the House would be concerned if that inequality were introduced into the NHS, because it could become the thin end of the wedge for things such as top-up payments for other treatments. Will he assure us that the review will not open up that avenue?

Alan Johnson: I can give my hon. Friend that assurance. I shall quote the terms of reference, which state that the review should take into account

"the importance of enabling patients to have choice and personal control over their healthcare; and the need to uphold the founding principle of the NHS that treatment is based on clinical need not ability to pay, and to ensure that NHS services are fair to both patients and taxpayers".

Friend should be reassured that we are reviewing system works in the 21st-century NHS, and outcome is not predetermined. Professor Mike s is a respected clinician: he led the development ncer plan and cancer strategy, and until recently chairman of the National Cancer Research . All the cases that I have examined, including Boyle's, relate to cancer—mainly bowel cancer ney cancer. Professor Richards has spent his fe in the NHS, so he is the perfect person to he situation very quickly. The report will be d, so hon. Members will have the chance to see ts.

Taylor (North-West Leicestershire) (Lab/Co-op): tely ill patients and their families are often le to the false hope provided by miracle drugs, e sometimes touted in the media. What consumer it is almost consumer protection—will be given people so that they do not waste their time and r expend their hope on what are cul-de-sacs so eatment is concerned?

ohnson: My hon. Friend raises another dimension ue. Professor Richards led on the cancer strategy, as published in December and pointed out the get cancer drugs through the process much ickly. Consumers who are considering drugs available on the internet should, first, take the f their clinician; secondly, check whether the censed; and, thirdly, if it is licensed, ensure that w where it sits in relation to the NICE process. peed up the NICE process, and we will comment n the next-stage review, which will be published The internet contains a range of drugs, some of e licensed and some of which are not. We must erous in ensuring that consumers get the right and we must do what we can to ensure the egulation of such drugs.

ndrew Lansley (South Cambridgeshire) (Con): I that the House is grateful to the Secretary of initiating the review. The Secretary of State appreciate that we have not had access to the reference. It would be helpful if the Secretary taking account of the case made by my hon. he Member for Billericay (Mr. Baron) on behalf O'Boyle and her family, were to agree that we examine two principles. First, if patients access reatment beyond the boundaries of NHS care, d not mean that they lose their entitlement to re. Secondly, NHS care itself should continue to comprehensive and free based on need, not pay. I gather from the terms of reference that etary of State has included the latter principle. he included the former?

Johnson: I appreciate that the hon. Gentleman had a chance to see the review's terms of e, but that sounded like an attempt to pre-empt ome. We are clear that someone who has had reatment can return to the NHS for treatment, are also clear that people who have had NHS t are perfectly entitled to obtain private treatment. biguity occurs over the term "an episode of d whether someone can buy a drug that is not on the NHS and ask the NHS to pay for its administration as part of their treatment. I want Professor Richards to examine that area, and I do not want to predetermine the review. Professor Richards is well aware of the problems experienced by Mrs. O'Boyle and others, because he deals with such issues all the time. When the hon. Gentleman sees the terms of reference—I will not take up the House's time by reading them all out, because there are quite a few words—I hope that he will be assured that that point has been addressed. If not, the issue is not party political, and he is welcome to come and see me—indeed, I am sure that Mike Richards would be keen to talk to him.

Mr. Lansley: I look forward to discussing the matter with Mike Richards. The Secretary of State will appreciate why I mention "comprehensive care". The review particularly relates to many of the new cancer drugs. Mike Richards and the NHS also need to address how patients who rely on the NHS for their treatment can be sure that they will get comprehensive treatment. For example, I have a list of 20 European countries where Erbitux, the brand name for Cetuximab, which was privately provided for Mrs. O'Boyle, is routinely made available for patients with colorectal cancer. In the NHS, Mrs. O'Boyle was told that that drug was not available. Surely we must address that question, too.

Alan Johnson: I do not believe that that is about the terms of reference. The issue is how we deal with the NICE process. Cetuximab was a specific issue and it had not been through the NICE process. The PCT decided that the circumstances were not exceptional and, therefore, the treatment was not given. There is a whole different dimension to the issue under discussion. The fundamental problems that Professor Richards will look at are confined not to cancer drugs but to drugs per se. There may be many other issues and unintended consequences, because we have been concentrating so closely on the understandably controversial issues surrounding Mrs. O'Boyle and others. But Professor Richards's remit will be to look right across the range. The worst thing that could happen to the review would be if he were to concentrate on one particular area and on a few particular drugs, and then miss the fact that unintended consequences apply to other illnesses and to other drugs.

HIV Infection

3. **Patrick Hall** (Bedford) (Lab): How many newly acquired HIV infections were recorded in 2007. [21292]

The Minister of State, Department of Health (Dawn Primarolo): Data on newly acquired HIV infections are not available, but an estimated 5,817 people were reported as newly diagnosed with HIV infection in 2007, compared with 6,769 in 2006. The figures include people with long-standing infections, including many who were infected outside England but who were subsequently diagnosed in this country.

Patrick Hall: I thank my right hon. Friend for her answer. She will know that there is a serious problem not only with the overall numbers, which, although coming down, were recently still up on the 1997 figure of, I think, 3,000. She will also know about the problem

of late diagnosis—people being diagnosed six or seven years after becoming infected, by which time they have become highly infectious and less likely to respond to treatment. She will be aware that London's strategic health authority has highlighted that big problem and is trying to address it with a target to halve the number of people who are diagnosed late. Will she seek to use her influence to spread that target and practice throughout all health authorities in the country?

Dawn Primarolo: My hon. Friend raises a very important point. He will know that the prevalence of HIV in England is one of the lowest in Europe—comparable to that in Sweden, the Netherlands and Denmark. Nevertheless, he is quite correct: about 31 per cent. of those who are infected are unaware of the fact. The steps that the Department has been taking have been, first, to focus on publicising the importance of early testing and on providing extra resources; secondly, to improve timely access to NHS testing, particularly in a variety of settings, not just in genito-urinary medicine clinics; thirdly, to look very specifically at where the highest risks are and to ensure that information and support are provided to those groups to encourage them to come forward for testing; and, finally, to undertake work with those in the voluntary and third sectors, as well as with local health authorities, to try to remove the stigma and the perceived discrimination that many people fear in order to encourage them to come forward.

Mr. David Heath (Somerton and Frome) (LD): Has the right hon. Lady had any recent discussions with her colleagues in the Department for Work and Pensions about the growing concerns regarding medical assessments of people with HIV infections, in respect of disability allowances and of fitness for work? It is a growing concern, and it would be very useful if she were to have appropriate discussions with the DWP to ensure that it applies the right tests.

Dawn Primarolo: I have not had any discussions recently about that point, but if the hon. Gentleman has specific issues and experience in his constituency I would be very happy if he sent them to me, because clearly we must ensure that medical assessments are conducted correctly, particularly with regard to that very vulnerable group.

Mr. Neil Gerrard (Walthamstow) (Lab): I am sure that my right hon. Friend recognises the risks to public health from the greater number of new infections and from people who are undiagnosed. Given that, will she look again at including HIV in the list of infections that are exempt from NHS charges? We must have a balance between the public health risks and the financial costs, recognising that the risks outweigh the costs.

Dawn Primarolo: All people who are ordinarily resident in England are entitled to free national health service treatment, including for HIV. My hon. Friend will be aware that that is qualified by exempting categories of individuals from charges under the National Health Service (Charges to Overseas Visitors) Regulations 1989, as amended. He will also be aware that asylum seekers are exempt from charges for all hospital treatment, including for HIV, and will remain exempt for courses of treatment that continue if and when their applications for asylum are rejected. All the points with regard to the threat to public health that he correctly identifies are addressed in the strategies that we use.

Mark Pritchard (The Wrekin) (Con): The Minister will know even from the Government's own data that many of the at-risk people to whom she referred are from sub-Saharan Africa. What consideration have the Government given to selected pre-screening of people who apply to move to the United Kingdom through work visas or student visas, or, indeed, as asylum seekers?

Dawn Primarolo: The hon. Gentleman will know that the Government have announced that they are investing an extra £2 million, in addition to the moneys already committed to prevention work, to look specifically at groups of highest risk, including gay men and people from African communities. Working through the African communities and the African HIV project, we are addressing particularly the issues that the hon. Gentleman mentions. It is important that people come forward for early testing. It is not necessary to have compulsory testing. We are seeing that testing through the various clinics and measures has increased dramatically—in some cases, by up to 85 per cent.

Mr. David S. Borrow (South Ribble) (Lab): Does my right hon. Friend agree that there is a danger that as more and more people are living and working with HIV/AIDS, the perception of the disease as being life-threatening recedes, and that any prevention programme therefore needs to recognise that change in perception and to focus very much on the fact that being able to take drugs and in most cases live a long and productive life is not a reason to assume that one is not at risk?

Dawn Primarolo: My hon. Friend is absolutely right. With the development of therapies and treatments, it is particularly important that people understand that HIV is still a deadly disease. We particularly need to understand—the Department is taking this forward—which groups in the community may be less aware of the risk, or have a belief that they can live with it, and to target additional information and support to them to encourage them, first, to come forward for testing, and, secondly, to desist from activities that increase their likelihood of HIV infection.

Liver Disease

4. **Dr. Brian Iddon** (Bolton, South-East) (Lab): What steps he is taking to tackle liver disease. [211293]

The Parliamentary Under-Secretary of State for Health (Ann Keen): We are concerned about the increasing incidence of and mortality from liver disease. I congratulate my hon. Friend on his work in the all-party group on hepatology and on the many Adjournment debates that he has introduced on this issue. We are already taking action on a number of fronts to combat its primary causes—alcohol misuse, which is the most common, viral hepatitis and obesity. We accept that there is strong support for developing a national plan for liver disease.

Dr. Iddon: Unlike deaths from other major diseases, which are going down significantly, deaths from liver disease caused by viral infections, obesity and excessive

otion of alcohol are, tragically, rising significantly. ore can my hon. Friend do to reverse that trend, en will we see a national service framework ed in the field of hepatology?

Keen: We have engaged with a wide range of ders in order to build a consensus on the issues hon. Friend has raised and on what we might them. We shall decide on our next steps in the that and of preliminary work on the evidence. the evidence is being taken by Professor Ian and Professor Eileen Kaner of Newcastle y. Problematic drinking is a key cause of liver In our national alcohol strategy, we support a ensive approach, across and beyond Government, ss the consequences of harm caused by alcohol. a range of measures in place to tackle hepatitis , such as a national hepatitis C action plan and ss campaign. Our expert committee, the Joint ee on Vaccination and Immunisation, is reviewing onal hepatitis B immunisation programme. ow, I shall meet some officers of the all-party nd I hope to take the process forward as soon as

Philip Hollobone (Kettering) (Con): Does the ecretary share my concern at the growth in the of liver disease among younger people through se of alcohol? What steps is she taking in ion with other Departments to target that age prevent the problem of binge drinking?

Keen: Our national alcohol strategy has been t along with, today, a Home Office initiative on subject that the hon. Gentleman rightly raises. n on liver disease and its serious consequences, metimes do not come to light for many years to difficult to get across to young people because for today, and serious consequences for the liver become apparent for 10, 15 or even 20 years. ore can be done and I am happy to work with Gentleman on any initiative he wants to bring

Ann Cryer (Keighley) (Lab): Has my hon. Friend ed a requirement for a Government health on all tins and bottles of alcoholic beverages, o the warnings that we have on packets of s? A number of countries throughout the world

Keen: I am informed by the Minister of State, my n. Friend the Member for Bristol, South (Dawn lo), that there is a voluntary system in place at ent, but we can always look to do more because equences for young people are so serious and the rate of deaths from liver disease in this is rising.

Bercow (Buckingham) (Con): What discussions Under-Secretary had with colleagues in the ent for Children, Schools and Families and the of Justice to ensure that there is some sort of ated action whereby the contents of the strategy olled out in prisons in due course, and within ffender institutions in particular? Action is needed there.

Ann Keen: The hon. Gentleman is right. The Department for Children, Schools and Families works closely with the Department of Health. Secretaries of State from both Departments meet regularly to consider the children's plan and the health plan. It is not only alcohol that causes liver disease and hepatitis, but obesity, too. The obesity plan for young people is currently in place.

GP Surgeries

5. **Paddy Tipping** (Sherwood) (Lab): What recent steps he has taken to extend the hours during which GP surgeries are open for patients. [21294]

The Minister of State, Department of Health (Mr. Ben Bradshaw): In March, we agreed changes with the British Medical Association to reward practices that extend their opening to provide weekend or evening appointments. I am pleased to tell the House that 21 primary care trust areas have already achieved our aim that at least 50 per cent. of surgeries should offer extended hours.

Paddy Tipping: But would not the creation of 152 GP-led surgeries, open from 8 am until 8 pm, seven days a week, provide greater choice and better health opportunities for patients—*[Interruption.]*—rather than leading to closures in Nottinghamshire, or anywhere else in the country, as the British Medical Association suggests?

Mr. Bradshaw: I agree with my hon. Friend, who makes an important point. I heard some Opposition Members shout, "Not in rural areas." Yet Cornwall is one of the counties that has already achieved the 50 per cent. target—indeed, it has exceeded 90 per cent. However, some GPs may not want to open in the evenings or at weekends, so we believe that it is perfectly proper that patients in those areas are not denied the ability to remain registered with their GP, if they wish, and to see a GP in the evening or at weekends. They will value that greatly and not understand the Conservatives' promise to reverse the policy.

Sir Nicholas Winterton (Macclesfield) (Con): I strongly support the idea that GPs' surgeries should open for longer. In the main, GPs are popular with their patients, are trusted and know the details of the conditions of those on their panel. However, I am reserved about the Government's proposal to open polyclinics, which I believe would be an expensive duplication of GPs' services and undermine the position of GP surgeries. Will not the Government reconsider their proposal and perhaps try to work through GPs to extend services, so that the services that people want are available in the evening and at weekends?

Mr. Bradshaw: The hon. Gentleman is rarely known to be reserved in the House, but I welcome his support for our extended hours drive and invite him to discuss it with his Front Benchers. As I said, they promised to reverse the policy and give the BMA a veto over extended hours. The last time we had an exchange on the subject, the hon. Gentleman highlighted the success and popularity of a GP-led health centre that provides an excellent service in his constituency. We are not imposing anything on any primary care trust, but simply saying that, in every PCT area, there should be a GP-led health centre.

as the one of which the hon. Gentleman is fond in constituency, for patients whose surgeries are not n in the evenings or at weekends to give them the ce.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/op): In the city of Wolverhampton, some GPs have d extended opening and found little demand, whereas ther surgery is opening on Saturday mornings to trial policy. Is there any quantitative evidence from the midlands—or, indeed, the city of Wolverhampton—might give us a better steer on potential demand n patients for the extended hours service?

Mr. Bradshaw: Every survey that we conduct of what public think is the most important improvement we can make to build on the improvements that we already made in the health service shows that ple want to be able to see a GP at a more convenient e to the patient—at weekends or in the evenings. My Friend's local primary care trust may not yet have the 50 per cent. target, but neighbouring-Heart of mingham PCT has, with 75 per cent. of GP practices ady offering extended hours. It is popular, the public us that they like it, and the GPs, once they start ng it, also find it popular.

Miss Anne McIntosh (Vale of York) (Con): Does the nister agree that it is not so much the hours that GPs available that are important, but the services that h GP practice offers? Is he aware that the White per on pharmacy proposed taking away the ability of practices in market towns such as Thirsk to dispense? t will reduce the services that they can offer. There is point in the Minister of State, the right hon. Member Bristol, South (Dawn Primarolo) shaking her head. et representatives of GP practices and I also declare interest as a GP's daughter and a GP's sister. We nt to keep dispensing services in rural practices.

Mr. Bradshaw: My right hon. Friend was shaking her d because she wrote the pharmacy White Paper and knows that it does not do what the hon. Lady gests. The hon. Lady also knows that we are consulting all aspects of the White Paper, and I invite her to ke a formal representation as part of the consultation.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): es the Minister know that, in areas such as Leek, ich is a market town, GPs already successfully offer out-of-hours service from 10 am until 2 pm, on urdays, Sundays and bank holidays? Is not it time t other GPs followed that good practice and recognised t patients want not only high quality but more cessible services to fit in with their lifestyles?

Mr. Bradshaw: I agree with my hon. Friend, who has en a good example of what happens in an area when e or two GPs start offering the service to patients: her GPs quickly follow suit because they discover that s popular. It is extraordinary that some hon. Members ll believe that, although it is fine for people in some rts of the country to be able to see a GP in the nings and at weekends, that service should not be ilable to everybody. Labour Members believe that it ould be.

Mark Simmonds (Boston and Skegness) (Con): It seems extraordinary that the Minister is claiming credit for the Government reinstating a service that they removed three or four years ago. I want to press him further on the point that my hon. Friend the Member for Vale of York (Miss McIntosh) made. She was absolutely right to say that access to GPs and primary care is about more than just opening hours. Will the Minister acknowledge that the proposals in the pharmacy White Paper that potentially remove the right of GP practices to dispense are causing immense concern both to service providers and, more importantly, to their patients? In consultation with the Minister responsible—the right hon. Member for Bristol, South (Dawn Primarolo), who is whispering in his ear—will he confirm that there will be no changes to the control of entry regime without a full, published, comprehensive and genuine consultation that takes into account the needs of communities that use GP dispensing services and pays particular regard to the proposed changes in the White Paper to the imposed distance criteria?

Mr. Bradshaw: The hon. Gentleman is doing the same thing as a lot of his hon. Friends—confusing out-of-hours services with extended hours. I am pleased if he is reversing the Conservatives' policy and saying that they will not reverse the provision for extended hours, because I suspect that he will find shortly that extended hours will be very popular with the public when they begin to access to them. I suspect that the policy is not one that the Conservatives will abandon as quickly as they have most of their other policies.

On the pharmacy White Paper, I have already said in answer to the hon. Member for Vale of York (Miss McIntosh) that there will be a consultation. Our view is that the hon. Gentleman is wrong in his interpretation of the White Paper's impact, but he is welcome to make his views felt during the consultation.

Standish Hospital

6. **Mr. David Drew** (Stroud) (Lab/Co-op): What progress is being made on proposals to re-use the Standish hospital site. [211295]

The Minister of State, Department of Health (Mr. Ben Bradshaw): The national health service locally in my hon. Friend's constituency is continuing to consider the future of the Standish hospital site and is exploring the potential to develop services that would benefit the people of Gloucestershire. We expect the decision to be made shortly.

Mr. Drew: I thank my hon. Friend for that and commend him on visiting the site. He knows what a beautiful site it is and what potential it has. It would be good to hear that progress is being made. Indeed, I gather from what is happening that this innovative scheme between the learning and disabilities trust, the primary care trust and the voluntary sector will become a reality, so anything that he can do to help it along will be gratefully welcomed in the area.

Mr. Bradshaw: I am grateful to my hon. Friend for that and for the invitation to visit his constituency, which I recall I did on an extremely wet spring day. My

standing is that the main obstacle to progress is sting of part of a building on the site. May I st to my hon. Friend that he make representations right hon. Friend the Minister of State, Department ulture, Media and Sport, if he has not already so, to ensure that she is well aware of his views on erits or otherwise of listing that building?

Infertility Services

Ms Sally Keeble (Northampton, North) (Lab): steps he is taking to improve access to NHS ility services. [211296]

e Minister of State, Department of Health (Dawn arolo): Two main issues are currently being addressed. the Government conducted a survey of in vitro sation provision in all primary care trusts. A copy at survey has been placed in the Library today. is part of the Department's regular monitoring of provision and tracking of progress towards the onal Institute for Health and Clinical Excellence's mmendations. Secondly, the Infertility Network UK, h is funded by the Department for that activity, is ifying and establishing standard access criteria to ty treatment.

Keeble: I very much welcome that statement. ny right hon. Friend knows, next month is the anniversary of the birth of the first test-tube baby. she consider marking that by ensuring an end to ostcode lottery that still exists in access to treatment y increasing entitlement to three rounds of treatment e NHS, as recommended by NICE?

wn Primarolo: As my hon. Friend is well aware—she ampaigned extensively in her constituency and in House—the local NHS takes decisions about the ment that it provides for its local communities and ifies priorities. In my view, we will reach the NICE mmendations when the local NHS acknowledges act that one in seven adults experiences difficulties fertility, and makes the provision of fertility treatment es a higher priority. Members of Parliament have mportant role in discussions with their PCTs, which difficult job in trying to reflect local criteria and ities.

r. Peter Bone (Wellingborough) (Con): The Minister know that IVF treatment was suspended in hamptonshire because of lack of money. hamptonshire is the worst funded primary care in the whole country in respect of the national ation formula, so the suggestion that it is up to PCTs to decide on IVF treatment is a little unfair the problem is the lack of Government money to Northamptonshire.

ewn Primarolo: That is simply not true. I know that on. Gentleman has made representations and that very clear in making them for his constituents, but ill also know that his PCT is within the 3.5 band in s of funding. I have to tell him, in view of the rent number of cycles offered, that one of the big tes that remains to be concluded across the country ether the provision of IVF treatment is a priority ocal health services that is equal to other priorities. That matter can be settled locally when it is made clea that the provision of IVF services is important. Th hon. Gentleman's PCT provides other services that also believes are important, so we need to ensure tha equal priority is given.

Cord Blood Programme

8. **Ann Winterton** (Congleton) (Con): What plans h has to establish a national cord blood programm [2112

The Minister of State, Department of Health (Daw Primarolo): There is already a national cord bloo programme in place. The NHS cord blood bank, supporte by NHS Blood and Transplant and funded by th Department of Health, collects cord blood from fou centres. All the cord blood units stored in the NHS cor blood bank are available to NHS patients across th country.

Ann Winterton: Is the Minister aware that the Anthon Nolan Trust estimates that tens of thousands of pin of cord blood, which could be used for transplantatio and research purposes, are discarded every year in th UK? Will the Minister support the charity's proposa national cord blood bank to ensure that units donate altruistically by mothers are used to drive forwar medical research rather than be discarded, thereby total wasting this valuable resource?

Dawn Primarolo: I had a meeting with representativ of the Anthony Nolan Trust recently and I should s to the hon. Lady that the NHS has access through th international bone marrow registry and others to abo 10 million samples, and that 72 per cent. of the match in cord blood in the UK are provided internationall There are two separate issues here: the first is treatme now and the second is research. The Anthony Nol Trust is looking particularly into the issue of treatme now. The NHS cord blood bank is currently undertaki a review, which will report to me later this year abo how to ensure a greater percentage of matches. We ha already put in extra money, particularly for collection i respect of black, minority and ethnic communiti Over and above that, the Anthony Nolan Trust looking into the development of its services, and I ha said that it is crucial that developments at both t NHS blood bank and the Anthony Nolan Trust ta place in partnership to ensure that we maximise t benefits for UK patients. That is what we intend to d

Cardio-vascular Incidents

9. **Andrew Stunell** (Hazel Grove) (LD): When he w informed of reported increases in the occurrence cardio-vascular incidents linked to Vioxx (rofecoxi [2112

The Parliamentary Under-Secretary of State for Hea (Mr. Ivan Lewis): The cardio-vascular safety of Vio was intensively monitored and investigated by the Medici and Healthcare products Regulatory Agency with regul independent advice from the Committee on Safety Medicines. That happened since a possible increas cardio-vascular risk was noted in the VIGOR study 2000, shortly after Vioxx was marketed. The first definit

evidence of increased cardio-vascular risk arose in a long-term placebo-controlled clinical trial, the APPROVe study, in September 2004, at which time the manufacturer withdrew Vioxx from the market.

Andrew Stunell: May I remind the Minister that many hundreds of NHS patients, such as my constituent, Mr. Lowe, who were prescribed Vioxx have subsequently suffered serious side-effects—in Mr. Lowe's case, a heart attack? What steps will the Minister take to get the manufacturer of Vioxx—Merck Ltd. from the United States—to face up to its liabilities to patients here in the UK in the way that it has been forced to do in the United States of America?

Mr. Lewis: The hon. Gentleman raises an important point. A number of patients within the NHS feel that their lives have been adversely affected very seriously as a consequence of taking the drug. He is right to say that compensation is being paid by the manufacturer in the United States of America. We need to look at the pressure we can apply to that manufacturer in terms of its responsibilities to people in the United Kingdom who have been affected.

Norman Lamb (North Norfolk) (LD): May I reinforce the intense sense of anger and injustice felt by the victims of Vioxx in the UK, many of whom attended a lobby of Parliament today? They are in exactly the same position as people in the United States who have benefited from a $4.8 billion settlement. Does the Minister agree that it is an outrage that this drug company is discriminating against UK victims? Will he join me in calling on it to rethink its position and meet an all-party delegation of MPs to see what further pressure, as he says, should be put on the company?

Mr. Lewis: Again, I agree with the hon. Gentleman. I think that I can commit to two things. First, of course I will meet an all-party group of MPs to focus on this particular issue and consider what we might do. Secondly, I will certainly be making sure that the Department contacts the manufacturer to ensure that it fulfils its responsibilities to people who have been affected in the UK in the same way as it is now compensating people in the United States.

Topical Questions

T1. [211315] **Lynne Jones** (Birmingham, Selly Oak) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health (Alan Johnson): The responsibilities of my Department embrace the whole range of NHS social care, mental health and public health service delivery, all of which are of equal importance.

Lynne Jones: My supplementary question is on mental health advocacy. What measures is my right hon. Friend putting in place to ensure that there will be adequate resources in April 2009 when measures in the Mental Health Act 2007 on independent advocacy are implemented? How will he ensure that non-statutory services will be safeguarded and improved?

Alan Johnson: Negotiations on the comprehensive spending review included the introduction of those services in April 2009. The funding is already available for that. Non-statutory funding—assistance of the voluntary sector and so on—is crucial to the success of this project. I give my hon. Friend the assurances that I believe she is seeking.

Mike Penning (Hemel Hempstead) (Con): On the subject of dentistry, in February 2008, the Secretary of State said:

"Access to NHS dentistry is getting better all the time." [*Official Report*, 5 February 2008; Vol. 471, c. 772.]

I do not think my constituents, constituents around the country or dentists are quite certain what figures the Secretary of State was referring to. Recent figures since his contribution in 2008 show that nearly 1 million British members of the public no longer have access to NHS dentistry. Will he now retract his comments and scrap this ludicrous contract?

Alan Johnson: No, I will not.

"It's getting better all the time",

to quote a line from a track on "Sgt. Pepper". It is getting better in dentistry because the original contract, which the hon. Gentleman seems to want us to reintroduce, was wrong in every respect.

Mike Penning: No, we do not.

Alan Johnson: But we are being asked to withdraw the current contract. It replaced the contract that encouraged drill and fill. It meant that when dentists left the local vicinity, the money went with them. Of course, there was a period when dentists did not sign up to the new contract. Gradually, they are coming back and gradually we are getting to a situation in which dentistry is provided not just on the basis of drill and fill, but on a preventive basis, with a much simpler structure and much better access. The money that we are putting into dentistry this year, next year and the year after has gone up, and primary care trusts are commissioning more dental practices as a result.

T4. [211318] **Mrs. Claire Curtis-Thomas** (Crosby) (Lab): As my right hon. Friend will know, back in 1997, the construction industry was on the point of collapse. I am proud of the health service's commitments to new hospitals and clinics, which have revitalised the industry, but I want to ensure that its significant investment leads to training opportunities for young people as part of their apprenticeship programmes. What is my right hon. Friend doing to ensure that those public sector funds are spent on delivering better skills and better-qualified young people?

Alan Johnson: My hon. Friend has been a champion of apprenticeships. I think she will accept that what the Department is doing is exemplary in Whitehall terms. Indeed, I hope she will accept that we are "Top of the Pops" in terms of the number of apprentices we are recruiting.

As for what we are doing in the country more generally, my right hon. Friend the Secretary of State for Innovation, Universities and Skills is running an integrated project to establish how we can use the huge public sector

nents that we are making in, for instance, hospital-
g programmes to ensure that apprenticeships are
d in the construction industry, and also in education,
we do not waste the valuable opportunity provided
capital investment to increase the number of
tices again. It needs to be raised to the level
ed in the Leitch review by 2015.

[211317] **Mark Pritchard** (The Wrekin) (Con): the Minister of State like to have another go at ing my earlier question about HIV/AIDS? the increasing number of cases of HIV/AIDS deed, TB in this country, many of them brought people from sub-Saharan Africa, will she tell us r she believes that selective pre-screening of people before they enter the United Kingdom, ile they are here, is a good idea for Britain?

Minister of State, Department of Health (Dawn olo): I believe that I have already answered the n, but I will answer it again. No, the Government consider pre-screening to be necessary. Our is to encourage the highest-risk groups to come d voluntarily for screening. The group that the entleman has identified is not the highest-risk but it is one of the groups that we are addressing.

[211319] **Mr. Tom Clarke** (Coatbridge, Chryston ellshill) (Lab): The report "Aiming high for d children: better support for families" led to nal resources. Can my hon. Friend the Under-ry of State assure me that they are being used to the services identified in the report to benefit d children and their families, and for no other e?

Parliamentary Under-Secretary of State for Health an Lewis): I pay tribute to my right hon. Friend work that he did in the House in championing ds of disabled children and their families, as a f which we are investing an unprecedented amount port those families—and so we should.

money from the Department for Children, Schools milies is ring-fenced, and amounts to £370 million ee years. In the autumn of this year, the Department lth will announce the overall sum that we will n child health over the next three years. It will a specific figure to be put into primary care aselines to increase support for children with needs and provide short breaks and support for n with palliative care needs. It is crucial, in all f the United Kingdom, for us to prioritise the of disabled children and their families, and to that the money allocated for the purpose is spent roving their quality of life.

Milton (Guildford) (Con): Although the number ple admitted to hospital suffering from under-en has increased by 85 per cent. since 1997, I and that the Minister is scrapping the Nutrition Plan Delivery Board that he established last What reassurance can he give us that he takes rition in the elderly seriously?

Lewis: As I have only just established the board, I rdly likely to be scrapping it. The hon. Lady's

The nutrition action plan is overseen by the director general of Age Concern. It has independence, and is being overseen by someone who has passionately championed the importance of nutrition, particularly in relation to older people. What we have said, as the hon. Lady knows full well, is that the board will do its work for 12 months and then we will review where it goes from there. There has been absolutely no suggestion that we intend to scrap it.

T9. [211323] **Dr. Phyllis Starkey** (Milton Keynes, South-West) (Lab): A constituent of mine with cystitis has received treatment for acute episodes at the nurse-led walk-in centre in Milton Keynes, but she has been unable to get an appointment with her GP in order to be referred to a consultant because she is a shift worker and because of the booking system at the surgery. Will the Minister point out to the British Medical Association and the Opposition that this is exactly the sort of problem that could be addressed by the new seven-day surgery proposed by the PCT in Milton Keynes?

Alan Johnson: We will have the perfect opportunity to do that in about five minutes' time.

T6. [211320] **Mr. Desmond Swayne** (New Forest, West) (Con): If GP-led health centres are in the interests of patients, does not the Secretary of State believe that primary care trusts will procure them anyway? Why is he running the show like a command economy and requiring 121 PCTs outside London to procure them?

Alan Johnson: Because, No. 1, we believe that we ought to enhance capacity in primary care; No. 2, we do not believe that PCTs should be paying for extra facilities from money we have already allocated—we will provide that from the centre; No. 3, we think patients such as the constituent of my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) should be able to access a GP surgery from 8 am to 8 pm, seven days a week, 365 days a year; and, No. 4, we believe that people who cannot get to their GP because, for example, they work in the centre of town or in another town should be able to access primary care. For all those reasons, it is extraordinary that Opposition Members, including the Parliamentary Private Secretary to the Leader of the Opposition, oppose this extra investment in primary care. They will live to rue the day.

T7. [211321] **Tom Brake** (Carshalton and Wallington) (LD): I met Dr. Goel at his Carshalton fields surgery a couple of weeks ago and he presented me with a petition with 570 signatures from patients who are very worried about the future of their local family GP practice. Can the Secretary of State confirm that that practice will not be forced to merge with a polytechnic—or a polyclinic, rather—at some point in the future?

Alan Johnson: It certainly will not be forced to merge with a polytechnic; I can give the hon. Gentleman that assurance very firmly. Our proposals are for additional GP-led health centres. The name should give the Opposition a bit of a clue as to who will lead these health centres. They will be GP-led, and there is no intention whatever

Mrs. Ann Cryer (Keighley) (Lab): Does my hon. friend have a view on the Council for Healthcare Regulatory Excellence report on the Nursing and Midwifery Council?

The Minister of State, Department of Health (Mr. Ben Bradshaw): We welcome the report and accept its recommendations. It makes some very serious criticisms of the functioning and leadership of the NMC, saying it has failed to carry out its statutory duties to the standard the public have the right to expect and it has lost the confidence of its stakeholders. It is our view and that of the CHRE, the trade unions and other stakeholders that it would be in the best interests of the NMC and the individuals involved if all three senior figures stepped down from their current positions. We welcome the leadership shown by the president and chief executive today in indicating their intentions to resign.

T8. [211322] **Bob Russell** (Colchester) (LD): I am sure that the Secretary of State will agree that many of our hospital accident and emergency departments are full of people whose ailments would be better treated elsewhere. On the basis that all of us are in favour of preventive health measures, will the Secretary of State discuss with the Secretary of State for Children, Schools and Families the possibility of introducing first-aid training as part of the school curriculum, in accordance with my excellent ten-minute Bill?

Alan Johnson: I will have another look at the hon. Gentleman's excellent ten-minute Bill, and will doubtless talk about it in the many meetings I have with the Secretary of State for Children, Schools and Families. The hon. Gentleman makes an important point, and one of the fundamental reasons why the NHS in London is proposing polyclinics in London is the number of people clogging up accident and emergency departments who should really be in primary care.

T10. [211324] **James Duddridge** (Rochford and Southend, East) (Con): Is the Secretary of State aware that some hospitals have banned people from bringing in flowers for patients on health and safety grounds, and what guidance, if any, does he have for these hospitals?

Alan Johnson: I have a full briefing with me that relates to every issue under the sun, but not this one. I do not think that it is a matter for me; I think it is for the local trusts, and I would be very surprised if they took that decision on any grounds other than patient safety. I believe that health care-acquired infections may well be the reason these flowers have been banned, but I will find out, perhaps, and write to the hon. Gentleman.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does the Secretary of State share my concern that 1 million people appear to have been treated under NHS dentistry since the new contract came in, and that there also appear to be perverse incentives within the contract so that dentists are encouraged by the financial set-up not to treat those with the greatest oral health need? Could we not have a perverse outcome whereby those with least in our society will be able to tell their social class by the state of their teeth—and under a Labour Government?

Alan Johnson: The hon. Gentleman was probably mistaken in saying that he thinks that there are 1 million more dentist appointments now, because he probably meant the reverse—I do not accept what he says either way. I believe that this is a big issue in relation to heath inequalities, which is why I announced to Parliament our intention to introduce fluoride in more areas. That is the single biggest contribution that we can make to tackling health inequalities. On the dental health of young children in this country, our 12-year-olds have the healthiest teeth in the whole of Europe. That is a great tribute to the dental profession, and I would think that it is not detrimental to the amount of investment that this Government are putting into dental care.

Greg Mulholland (Leeds, North-West) (LD): I welcome the fact that the Government are finally talking about reform of our system of care for the elderly. Given the urgency of the crisis—Help the Aged describes our system as being in crisis, Age Concern calls it a disgrace and the Local Government Association yesterday said that it is coming apart at the seams—will the reform, and the legislation to enable it, be brought before the House before the next general election?

Mr. Lewis: May I say to my good friend that as well as the long-term review, we have, from April, been introducing a transformation programme in every local authority area, supported by £500 million of reform money over three years? We will soon be publishing the first ever national dementia strategy and end-of-life strategy; we have announced the extension of our "Dignity in Care" campaign; the Secretary of State has announced a new package of preventive health measures specifically to support older people; we are extending the Human Rights Act 1998 to publicly funded residents of private care homes; and we have announced a new 10-year strategy to support carers. I am not sure that the hon. Gentleman's party has anything else to offer on this issue.

Points of Order

lly Keeble (Northampton, North) (Lab): In o my question, the Minister of State, my right nd the Member for Bristol, South (Dawn), said that she would arrange for a paper to in the House of Commons Library. I checked, s not been placed there. I wonder whether it laced there today, because it contains important n that answers questions in which hon. Members interested.

inister of State, Department of Health (Dawn) *indicated assent.*

eaker: The point has been answered.

n Devine (Livingston) (Lab): Reference has nade to the report on the Nursing and Midwifery hat was published yesterday, which highlighted nat that body was not fit for purpose and had a ulture. That vindicated claims made by many ides of this House and, in particular, by my nt, Moi Ali, who is the whistleblower in this he is a black lady who has a claim for racism ne NMC. She has used the internal systems oached people, including her MP, externally to matter. Because of Buggin's turn, she is the dent at the moment and, sadly, she is being to resign from her job. I wonder whether, your good offices, Mr. Speaker, the Minister onsibility could come to the House to make a on that report?

peaker: I am not going to be drawn into that

Local Authorities (Social Equality Audits)

3.33 pm

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): I beg to move,

That leave be given to bring in a Bill to require local authorities to collate and publish specified social, economic and other data on an annual basis; and for connected purposes.

The debate about social inequality is beset by stereotypes and simplification. Sometimes stereotypes give us an indication of the truth, but they frequently conceal more than they reveal. So, we hear a lot about the north-south divide, and unemployment and incapacity benefit figures are frequently portrayed exclusively in terms of decayed former industrial communities in the north or in the Welsh valleys. Sometimes Tower Hamlets is contrasted with the Royal Borough of Kensington and Chelsea in what is frequently described as a tale of two cities, revealing the stark divide in average incomes, house prices and life expectancy.

Such attention is broadly welcome because it highlights the continuing extent—and in some ways the worsening or intensification—of the toxin of inequality. It is even more corrosive than poverty, in its own insidious way, as has been so well documented by academics such as Richard Wilkinson. Inequality damages health, undermines community cohesion and is now understood to be more closely correlated with crime than poverty itself.

Inequality is poorly understood. Last year's report for the Joseph Rowntree Foundation confirmed that people's knowledge about inequality is limited, and attitudes are complex, ambiguous and apparently contradictory. In turn, policy makers know little about how the perceptions people have are formed, or changed. We could simply choose to ignore the ramifications of inequality, precisely because public attitudes are complex and contradictory. But by doing so, we would be turning our backs on a very real problem. Over the past 20 years a consistently large majority of people have considered the gap between rich and poor to be too large, and only a small minority of people feel that the Government are doing too much to address the problem.

My Bill is intended to make a small contribution to increasing awareness and understanding of social inequality. I seek broadly to mirror the important work done by primary care trusts in their annual public health reports, which have come into their own in recent years as an essential source of data about health inequalities. By requiring all local authorities to produce an annual audit, based on a core basket of indicators, I would hope to achieve three things. First, I would like to get beyond stereotypes, whether of the north-south divide kind, or the Tower Hamlets versus Kensington and Chelsea variety. The reality is far more complex than such stereotypes would have us believe and generalisations limit understanding, not deepen it.

Secondly, I hope that the process of producing and publishing annual audits would generate interest and debate among local policy makers, the media and others, precisely because the information would be local. Of course, there are no guarantees that such interest would sharpen the focus on deprivation and inequality, but it would certainly offer communities a set of tools to hold policy makers to account. That is certainly the experience

Thirdly, requiring a core set of indicators that apply all authorities would enable more specific comparisons tween small areas across the country. It would also omote a wider and more interesting debate nationally out the causes of inequality and social deprivation.

I confess to a personal stake in this issue. The local uncils that make up my constituency—Westminster d Kensington and Chelsea—consistently come near the top of national league tables for wealth and come. The prosperity of Knightsbridge, Belgravia d Chelsea, where some councillors think that international nkers constitute a "hard to reach group", masks the ct that, as recent reports have confirmed, the Mozart tate in Queen's Park in my constituency is the most prived neighbourhood in the whole country, and estbourne ward has the country's highest proportion children in workless households. But I—and my lleagues in other areas with generally affluent average ures—struggle to get the implications of that understood cally and nationally, and families and pensioners living poor neighbourhoods in such areas lose out in nsequence.

Local authority social equality audits would be based n existing sources of data. I am not seeking to saddle uncils with major new duties in collecting and analysing formation, but to bring the vast array of data already ried in the vaults—locally and nationally—blinking to the light.

What would be included? Obviously, I would want ort profiles of all neighbourhoods, which currently ay anonymously labelled as "super output areas" buried the Office for National Statistics. Which are the most rosperous areas and which the poorest? We already ave information on employment levels, and the number children in workless households—that is, families rviving on less than £10 per day for fuel, food, clothing nd treats. I would want to include data that exist but e unpublished, collected in school information profiles. eague tables offer us information on key stage results nd useful, though poorly understood, contextualised dded value, but they should be complemented by the formation that we hold on all schools about free hool meal entitlements and other proxies for deprivation.

Harsh words about school performance miss the target when the breathtaking variations we see in school intake receive so little attention. It would also be useful to include information on benefits and services delivered by local authorities, including housing benefit and take-up of child care and out-of-school services. That would enable more informed discussions about local welfare-to-work policies, the impact of local authority charging policies and so on.

Audits would not be exclusively about ward or neighbourhood data, either, but would include local authority rankings on key deprivation indicators and proxies for deprivation, such as substandard housing, overcrowding and homelessness. Of course, as has proved to be the case with PCT public health reports, it would be good to see themes emerge and to see priorities set from year to year between different communities that reflect local circumstances so that audits become dynamic tools, complementing and informing local area agreements and council decision-making processes.

Information does not by itself make wrongs right. Information can be powerful and can do harm if abused or used partially or selectively, yet the alternative is far worse. We should no more be ignorant about poverty and inequality than we should be about climate change or any of the other great issues of our time. By offering local communities, policy makers and the media clearly presented and comparative data, we might not get all of the right answers but we might at least ensure that people are asking the right questions.

Question put and agreed to.

Bill ordered to be brought in by Ms Karen Buck, Mr. Iain Duncan Smith, Mr. David Blunkett, Mr. Frank Field, Simon Hughes, Fiona Mactaggart, Mr. Gary Streeter, Martin Salter, Mr. Terry Rooney, Clive Efford, Lyn Brown and John Battle.

LOCAL AUTHORITIES (SOCIAL EQUALITY AUDITS)

Ms Karen Buck accordingly presented a Bill to require local authorities to collate and publish specified social, economic and other data on an annual basis; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 17 October, and to be printed [Bill 122].

Opposition Day

[14TH ALLOTTED DAY]

Polyclinics

m

Andrew Lansley (South Cambridgeshire) (Con): I move,

t this House opposes the Government's plans to impose a nic, or GP-led health centre, in every primary care trust; that this could result in the closure of up to 1,700 GP es; is concerned that the imposition of polyclinics against l of patients and GPs could be detrimental to standards of articularly for the elderly and vulnerable, by breaking the P/patient link; further regrets that these plans are being d without consultation; is alarmed at the prospective loss ent access to local GP services at a time when care closer to should be strengthened; believes that the Government's would jeopardise the independence and commissioning ity of general practice in the future; supports the strengthening ss to diagnostic and therapeutic services without undermining ucture of GP services; and calls on the Government to der its plans for polyclinics.

t Thursday, the local medical committees, which ne statutory bodies required to represent GPs the country, met in conference and passed a vote confidence in the Secretary of State and the es of the Labour Government. On the same day, ritish Medical Association delivered to Downing a petition against the Government's polyclinic sals consisting of 1.2 million signatures. Patients bout the future of their local surgeries and about iP services. They and GPs are concerned that the rnment's top-down, one-size-fits-all imposition of inics in London and in each primary care trust the country will reduce access to their GP services ndermine the GP-patient relationship, which is at art of the successful delivery of health care.

lay's motion is very simple. It urges the Government nk again. If the Government had offered additional ng to support the creation of extra GP practices in -doctored areas, we would have supported them.

Elliot Morley (Scunthorpe) (Lab): My local primary rust has announced that we are to have an additional funded with additional money, in an area where of the GP lists are full, which is an area of ation. The clinic will be open from 8 am to 8 pm ill provide drop-in services not only for the local unity but for the whole area. Is the hon. Gentleman that he would deny the people of Crosby that

Lansley: No. The right hon. Gentleman should nber that back in January 2006, the Government sed to provide additional general practitioner services der-doctored areas such as his. The fact that they ing that two and a half years on should not be a for congratulation; it should be a cause for regret has taken so long. My point is simple—

Morley *rose—*

Lansley: No, I will answer the right hon. Gentleman's question before I come on to the next one. The local consultation and agreement, based on local needs and circumstances. For some time—for two and a half years—the Government have been saying that they will provide additional GP services in under-doctored areas, and we are not disputing the need to do so.

Dr. Tony Wright (Cannock Chase) (Lab): The hon. Gentleman mentioned petitions; I went to see my GP the other day, and the receptionist was giving out petition forms. Someone asked what the forms were for, and the receptionist said, "They're going to close all the local surgeries down." That is complete nonsense, and the hon. Gentleman knows it, so why does he go along with it?

Mr. Lansley: It is the British Medical Association's petition, not mine. The Secretary of State and the Minister of State, the hon. Member for Exeter (Mr. Bradshaw), are suggesting that 1.2 million people across the country are being conned by their GPs, but that is not true. The Minister of State pops up and says that the Department had one e-mail from someone saying that they did not really believe in the petition, so I have asked the Minister whether he will publish all the e-mails presented, and every representation made, to the Department of Health. The fact is that across the country doctors have been voicing their concerns that their practice will be undermined to their patients, and I will explain in my speech why those concerns are valid. Doctors have concerns about the impact that the imposition of a polyclinic will have on their practices.

Shona McIsaac (Cleethorpes) (Lab): Will the hon. Gentleman give way?

Mr. Lansley: I will come to the hon. Lady in a minute. The first point to make clear is that the Government could have gone ahead in a far simpler, better fashion. They could have offered primary care trusts extra funding to provide additional practices in under-doctored areas. They could have offered funding to each primary care trust across the country to enable them to provide access to diagnostics and additional therapies in each area, in places that would have made sense from the point of view of local GPs. Everywhere that I have been—that is quite a lot of places—GPs would very happily have got together and agreed where it would be appropriate for such diagnostics and therapies to be available.

Peter Bottomley (Worthing, West) (Con): Is not the point that over the past 10 years the Government have set up a system for commissioning, and are now going outside it, and that any PCT that declines to put a polyclinic somewhere in its area will get disciplined? Is that not shocking?

Mr. Lansley: Yes, it is, and that is the way in which the Government now work. It is simple to say why GPs and patients across the country are angry: it is because, contrary to the Government's rhetoric about local decision making, and contrary to the Minister's rhetoric about all the proposals coming from primary care trusts, it is

Mr. Tobias Ellwood (Bournemouth, East) (Con): To go back to the first intervention, the people of Crosby may be delighted that there is to be a polyclinic there, but the people of Bournemouth are concerned, and doctors are worried about the patient-doctor relationship being eroded as a result of polyclinics being created. Does my hon. Friend agree that it would have been better to have allowed Bournemouth and doctors an opportunity to have a say in the matter, and then to have determined whether a polyclinic was appropriate?

Mr. Lansley: I absolutely agree with my hon. Friend, and he rightly reflects precisely the kind of points that are being made to all Members of the House. Labour Members may not admit it, but they know that GPs are telling them that they cannot see the rationale for many of the proposed imposed polyclinics across the country.

The Government were not content to bring forward proposals that would have made sense and could have been adapted and used locally. Gripped by a desire for the latest imported ideology of polyclinics, they first told London that there would have to be 150 polyclinics in the capital, and then told every primary care trust that they should have one each.

Of course, we need to strengthen primary care—no one disputes that—but Martin Roland, who is director of the National Primary Care Research and Development Centre in Manchester, said in the *British Medical Journal* in March:

"Increased patient choice requires more high-quality practices, not the small number of large practices that some polyclinic models suggest. We know that patients in small practices rate their care more highly in terms of both access and continuity. Indeed, although small practices show more variation in quality, on average, they achieved slightly higher levels of clinical quality than larger practices in the quality and outcomes framework."

Shona McIsaac *rose—*

Ms Karen Buck (Regent's Park and Kensington, North) (Lab) *rose—*

Mr. Lansley: I will give way to the hon. Member for Cleethorpes (Shona McIsaac), but perhaps the hon. Member for Regent's Park and Kensington, North (Ms Buck) will explain later why smaller practices that get better outcomes on the quality and outcomes framework will be shut down in favour of larger practices.

Shona McIsaac: I ask the hon. Gentleman to follow up what was said by my right hon. Friend the Member for Scunthorpe (Mr. Morley). I represent the rural part of north Lincolnshire. We will get a new clinic in north Lincolnshire, but the PCT has told us that that is a local decision to meet local need, and not one rural GP practice will close as a result of these plans. So why is the hon. Gentleman and his hon. Friends scaremongering to the extent that my residents think that their practices will close?

Mr. Lansley: That is quite interesting, but the hon. Lady needs to look at the material published by the North East Lincolnshire PCT to accompany its memorandum of information, which sets out 34 practices are not scaremongering: people are looking at the material published by PCTs across the country. The Secretary of State for Health peddles the same line as the hon. Lady in saying that no GP practice will be affected and closed, but his own PCT in Hull says that the process will be used as a lever for the reconfiguration of GP services and that, at the end of the day, there will be fewer GP sites.

The Secretary of State for Health (Alan Johnson): The hon. Gentleman has twice mentioned my constituency. What Hull is doing of its own volition is going out to consultation at the moment, and the proposal is additional to the proposals for the new centres that will come to under-doctored areas and additional to the GP-led health centre that we are putting into Hull. It is consulting on three additional health centres to deal with three problems: first, a preponderance of single-handed GPs; secondly, facilities and services that do not even meet the Disability Discrimination Act 2005; and thirdly, the fact that it has no women doctors whatsoever. So the PCT has gone out to consult the people of Hull, quite separately from what we are doing nationally, to seek to address those problems, and so it should.

Mr. Lansley: The Secretary of State is getting desperate. I have here the presentation document from Hull PCT. If it devised the proposal, why does the powerpoint presentation say, "Darzi GP-led health centre"? It does not say that it is something that the PCT thought up. The proposal's criteria are exactly those that the Department of Health have specified. The document's conclusion says:

"The number of GP sites will reduce."

[Interruption.] Labour Members should listen. If the Secretary of State is saying that Hull PCT will provide three additional GP health centres, how come the impact will be that the number of GP surgeries will reduce? We know exactly what that means.

Mr. John Redwood (Wokingham) (Con): Is not the central point that we are very happy to see polyclinics if they are additional and wanted by the local community? The element of compulsion is quite wrong, and Labour Members have got a real shock coming to them when they discover that, in their areas, GPs will dislike it but be dragooned and that they will lose their current practices.

Mr. Lansley: I agree, and my right hon. Friend has a reasonable complaint if the Government are providing additional money in his area only on the basis that it will be spent in a certain way. If I recall correctly, his PCT is the lowest funded per capita in the whole country. If anywhere in the country should be given the opportunity to spend the money as it sees fit, it is his constituency.

Mr. Simon Burns (West Chelmsford) (Con): I assure my hon. Friend that certainly GPs in Chelmsford do not think that he is scaremongering in any way. Mid Essex PCT is being forced to have a polyclinic in Chelmsford and GPs in the area are extremely worried that it will

Lansley: I am grateful to my hon. Friend, who ne to the heart of the issue. At the moment, the nment require PCTs to publish memorandums of ation before in effect tendering for the new polyclinics. ve seen the tender documents from 58 PCTs, identify 608 GP surgeries in proximity to proposed nic locations. Because the Government have insisted he new polyclinics should register patients, the practices identified in those documents will see atient lists undermined, some of them potentially

Secretary of State has said that no GP surgery e closed as a consequence of opening polyclinics, w can that be true? The Government amendment ot refer to the polyclinics proposal for London, we should address for a second. The Prime ter got up at the Dispatch Box and said that there be 150 polyclinics, that each polyclinic would 5 GPs and that each polyclinic would serve 50,000 . The consequence of that would be the closure of than 70 per cent. of existing GP surgeries in on.

cuments from half the PCTs refer to 600 GP ies in proximity to potential polyclinics. If the inics are not additional and the GPs in them are me GPs who currently work in their own surgeries— r that matter, salaried doctors in PCTs—then a er of surgeries will have to close. That was the implication of the Government's proposals for on. If that is not the case and the GPs are genuinely onal GPs in additional GP practices, where will oney come from? We have done that calculation, f the Secretary of State is to be believed and the ion is all additional, the cost of that number of n that number of surgeries would be £1.6 billion r. However, the Government have allocated million over three years, so the situation simply ot add up. One of two things must be true. Either Ps will be moved and the practices will be moved their present locations into larger polyclinics, or onal services will be provided and additional costs e incurred. The Government have not answered estion about which one of those two things it will

Buck: In my PCT, the thinking concerns creating yclinic based on a hospital. That would reduce ropriate accident and emergency attendances by e who are not registered with doctors, which hammers on. Gentleman's argument that there is a one-size- l solution. Is it not true that in 1981 the Acheson addressed the issue of single-handed practices, ularly in London, where single-handed practices over-represented? For 16 years, Conservative nments made progress—not enough in my view—on ing single-handed practices. Although there is good ce in some single-handed practices, by and large uality of care is not as good as that provided by practices. Is the hon. Gentleman saying that his stands four-square behind all single-handed practices, dless of the quality of care?

Lansley: Nobody could responsibly say that rdless of the quality of care". The hon. Lady has hat we have suggested that there is a central plan, did not make that suggestion. Ara Darzi produced the specific design for a polyclinic—25 GPs, 50,00 people, £800,000 a year rent, a number of out-patien attendances, the employment of a consultant and th provision of a number of nurses. I did not make that up the Prime Minister stood at the Dispatch Box an paraded the fact that there would be 150 polyclinics i London. It is absurd that the hon. Member for Regent Park and Kensington, North has challenged us o single-handed GPs when the evidence is clear that th best quality and outcomes framework results are achieve by practices with two or three GPs. *[Interruption.]* know that they are not single-handed practices. Why d the Government propose to push GPs from acros London into large polyclinics, when the evidence i clear that accessible local surgeries with two or thre GPs achieve the best results?

Tony Baldry (Banbury) (Con): My hon. Friend ha said that the situation is absurd, but there is a furth bizarre twist. Is he aware that the Darzi clinics will no be subject to monitoring by health overview and scrutin committees? The Government are introducing a two-tie NHS: parts of the NHS are subject to scrutiny b health overview and scrutiny committees, where independent treatment centres and Darzi clinics will no be subject to scrutiny and monitoring by health overvie and scrutiny committees, which seems fundamentall wrong.

Mr. Lansley: I agree with my hon. Friend. *Pub* recently looked at the proposals in PCTs, and only tiny proportion of those that it looked at had bee subject to even a semblance of a public consultation The reason is precisely the same as the reason that m hon. Friend gave: the Government are determined tha the proposal should not be subject to scrutiny. Why Because it will not stand up to that scrutiny, it is no locally determined, it does not arise out of the need and circumstances of the area and, on the quality o care that will be provided, it is not even evidence-base

Mr. Robert Goodwill (Scarborough and Whitby) (Con If the aim of the proposal is to force the closure o single-handed practices, why are the Government goin to parachute a polyclinic into the middle of Scarborough where we have a number of good group practices, bu not into rural areas, where we have some very goo single-handed practices? It does not even follow th logic of the hon. Member for Regent's Park an Kensington, North (Ms Buck).

Alan Johnson: Work it out for yourself.

Mr. Lansley: The Secretary of State says that my hon Friend can work it out. The reason may be that th chairman of the BMA council is a GP in Scarborough but there we go. We will see whether the Government conspiracy extends even to that. What my hon. Frien says is absolutely true. I have been to rural areas an talked to the head of the local medical committee i north Yorkshire, and it is completely absurd that a tow such as Scarborough, which has many health needs bu is not under-doctored in terms of GPs, should hav money spent on it in that way. Throughout north Yorkshir it is perfectly clear that access to diagnostics and therapie is required in a range of market towns and centres, no in one centre at the furthest extremities of the area That is absurd. As it happens, north Yorkshire is technicall

Mr. Graham Stuart (Beverley and Holderness) (Con): May I thank my hon. Friend for supporting my right hon. Friend the Member for East Yorkshire (Mr. Knight) in his campaign to defend health services in Bridlington, and share with my hon. Friend the concern of people along the east Yorkshire coast about polyclinics being imposed on the area? Bridlington, while its hospital services are being devastated, is having a polyclinic imposed and being told that it represents an improvement in its health care.

Mr. Lansley: It is risible. My hon. Friend will know that from his experience, as will my right hon. Friend the Member for East Yorkshire (Mr. Knight), who represents Bridlington. We visited Bridlington and District hospital together, and it is outrageous that the Government appear set on downgrading its services and then, in pursuit of a "care closer to home" philosophy, on undertaking re-provision on the same site—dressing it up as a polyclinic. We live in bizarre times.

Several hon. Members *rose—*

Mr. Lansley: No, I shall not give way.

The hon. Member for Regent's Park and Kensington, North was quite right to talk about London earlier, but it is important to understand that, far beyond that, there are considerable implications in rural areas. My hon. Friend the Member for Scarborough and Whitby (Mr. Goodwill), and my hon. Friend the Member for Beverley and Holderness (Mr. Stuart) in the East Riding, made it clear that there are rural areas where spending such money, so that a polyclinic is established in a place that is already well doctored, is not only wasteful of resources and prejudicial to the GP practices in the area, but, if it threatens other surgeries, could have serious implications for access.

We have done the calculation on access to GP surgeries, and NHS London made a calculation in its consultation document. It says that it has done high-level modelling, meaning that people in London will be on average only 1.5 miles away from their GP surgery. That is quite interesting, because NHS London did not go on to say that, currently, people in London are on average just half a mile away from their GP surgery. So when the Secretary of State says that he is perfectly willing to campaign on the issue, perhaps he would like to tell all the people of London that the distance to their GP surgery will triple. It is quite clear: we have done the calculation and NHS London said that the distance would be 1.5 miles. *[Interruption.]* It is quite clear. It is a good one. Don't you worry, it is. *[Interruption.]* Actually, Ministers should know that the distance will triple in Hull and in Exeter.

In places such as North Cornwall, the distance to a GP would more than triple, rising to more than 9 miles on average. The Government are parading their belief that they can improve access to primary care, but nobody, anywhere in the country, will be able to believe the Government's arguments if their access to a local surgery is so prejudiced. There is an enormous difference in London between going half a mile and going a mile and a half. Someone who is elderly, vulnerable, frail or a reliant on public transport. In rural areas, access to public transport over many of these distances is difficult to contemplate.

Andrew George (St. Ives) (LD) *rose—*

Mr. Lansley: I mentioned Cornwall, so I must give way to the hon. Gentleman.

Andrew George: I agree with the hon. Gentleman in so far as the Government will end up with another independent treatment centre-type fiasco if they continue with the top-down restructuring of the type that he is criticising. He said earlier that these services should be largely designed by GPs. May I seek a reassurance that he is really trying to tell us that patients and local communities should have a big say in how primary care is designed—that it should not be designed by central Government and imposed on the local community or by those who are contracted to provide the service but designed by the local community itself?

Mr. Lansley: I commend to the hon. Gentleman our document, "The patient will see you now, doctor", published last September, which clearly set out how we would seek to empower patient choice and involvement, the effect of which would be increasingly to design primary care services around the needs of patients.

The Government and primary care trusts have gone ahead without the semblance of a public consultation. Where, in all this, is the evidence to justify the Government's imposition of this plan? Since they published their proposals, the King's Fund, which I am sure that Ministers will acknowledge is independent and respected, looked at the evidence for polyclinics under three criteria—quality, cost and access. On quality, it said:

"The co-location of multiple services presents opportunities for delivering more integrated care, particularly for people with chronic diseases. However, the evidence suggests that in practice these opportunities are often lost."

On cost, it said:

"Expectations that community-based services will be less costly than hospital-based equivalents are frequently not met."

On access, it said:

"If a substantial centralisation of primary care were pursued, the consequent reduction in access to these services would be a major sacrifice."

Overall, it concluded:

"A major centralisation of primary care is unlikely to be beneficial for patients, particularly in rural areas."

Dr. Howard Stoate (Dartford) (Lab) *rose—*

Mr. Lansley: Perhaps the hon. Gentleman can explain how patients will benefit from this centralisation of services.

Dr. Stoate: I think that the hon. Gentleman is concentrating too much on one particular type of polyclinic. There are many models. There is nothing to say that a polyclinic has to include every local GP. There is plenty of opportunity for hub and spoke models whereby the local GPs can remain and the polyclinic can provide central services such as X-ray, physiotherapy, consultant services and so on. There are also models where individual

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l practices. There are many examples around try of that happening. The opportunity exists ary care trusts to negotiate and discuss with s and other providers how that type of model fit their area, thereby allowing patients to get it of small practices and central services in one

ansley: I have heard that before. The fact is that were going to be a hub and spoke model in why did the framework for action describe a model of 25 GPs and 50,000 people? Why did e Minister refer at the Dispatch Box to 150 cs? Why are GPs in north London telling me primary care trust is saying that if they do not o the polyclinic, their rent reimbursement will ed? A GP wrote to me and said that he knew s about to happen to him because the primary t published a map of primary care services in and he was left off.

Taylor (North-West Leicestershire) (Lab/Co-op): cial Opposition are coming rather late to this ople such as myself tabled early-day motion hich flags up the more fundamental flaws with cs outside London and the metropolitan areas. law of the Conservative motion is that it does ider the potential of free market competition to rious damage to patient access to general practice lic services. No wonder firms such as Serco, lealth and Virgin Healthcare are lining up outside rtment of Health just outside this place, licking s at the prospect of extracting vast sums from S. Why is that not referred to in the Opposition It deserves to fail because of that.

ansley: It is not there because when I have , for example, GPs in Islington who were very about the way in which a tender was awarded nmercial organisation, I found that they were o enter into competition as long as it was fair, ng as it was based on a level playing field. I am sed to personal medical services or alternative, cially run, providers of medical services practices, opposed to the top-down system of imposing cs, which is undermining the existing GP structure.

teresting that the Prime Minister, when challenged ress conference last week, retorted that there thousands of additional GPs. I think that he t there are already thousands of additional don. Members: "There are."] Of course there GPs since 1997, and so there should be. But in year for which figures are available, 2006-07, re only six additional GPs in the whole country, overnment are not in a position to make much on that issue. The predictions from the King's its recent document show that we would be 2,000 full-time equivalent GPs by 2016. Where v of additional GPs who are to fill the polyclinics?

yclinics take over existing GP services, local cannot be maintained. If primary care trusts the funding for polyclinics, they will, as a ence, force the closure of many other local GP

twice. The Secretary of State knows that, but he will not admit it. There is a long-term agenda in his Department to undermine the independent contractor status of most GPs and to compel them to become part of a PCT-controlled primary care structure. That is why a GP in London said the other day that the PCT was

"bending everyone's arms very strongly. Life will be very difficult if we don't go in."

It is interesting to note that the Government's amendment to the motion does not actually mention polyclinics. I suppose that the Secretary of State is going to pretend that they are health centres, not polyclinics. The Minister of State, the hon. Member for Exeter, is constantly saying that people get confused because those centres are health centres, not polyclinics. I received two answers from the Minister of State on this subject. On 15 May, he said:

"'Health centre' is a term used to describe a range of health services characterised by the co-location and integration of different services, including those traditionally provided in a hospital setting." [*Official Report*, 15 May 2008; Vol. 475, c. 1666W.]

A month later, on 16 June, he said:

"'Polyclinic' is usually a term used to describe a range of possible health service models characterised by the co-location and integration of different services, including those traditionally provided in a hospital setting." [*Official Report*, 16 June 2008; Vol. 477, c. 767W.]

Those definitions are absolutely the same. As far as I am concerned, if it walks like a duck and quacks like a duck, it is a duck.

Mr. Peter Atkinson (Hexham) (Con): Will my hon. Friend give way?

Mr. Lansley: No, I shall finish now, if my hon. Friend will forgive me.

If the structure proposed forces local GP surgeries to close, forces GPs into becoming salaried employees of their primary care trusts instead of independent contractors and turns patients into through-puts rather than people, it is a polyclinic. We should follow the evidence, which says that smaller practices are often of higher quality. We know that they are more accessible. We know that patient choice and preference show that they value continuity of care even more highly than rapid access to care. We know that integrated care is about a lot more than putting all the services in one large building. How can access and care closer to home be improved if hospital services are closed down while polyclinics are built on the same site? Why are the Government so obsessed with the ideology that they have brought in, when they should understand that primary care in Britain is one of our comparative strengths? We should develop and strengthen our structure of primary care, not replace it with a German or a US-style polyclinic system.

All hon. Members should be aware of the concern raised throughout the country because of the Government's top-down imposition of polyclinics. There is a better way. We can strengthen access to community services and strengthen the existing GP structures. We can extend GPs' commissioning and their responsibility for providing integrated care for their patients. We can use those additional resources to improve access to community services while maintaining access to GPs locally. We can

drive up quality and access improvements through eir choices. That would be a better way. The Government ould reconsider their polyclinic plans. The motion ould require them to do so, and I commend it to the ouse.

14 pm

The Secretary of State for Health (Alan Johnson): I g to move, To leave out from "House" to the end of e Question, and to add instead thereof:

elcomes the Government's support for primary care and proposals invest £250 million in 113 new GP practices in the most rived communities and 152 new state-of-the-art GP-led health ntres open from 8 a.m. to 8 p.m., seven days a week, in every rt of the country; notes that these centres will offer a wide nge of health services including pre-bookable GP appointments d walk-in services for registered and non-registered patients; cognises that the exact format and location of each GP-led ntre will be decided locally in consultation with patients; notes at GPs will not be forced to work in the new GP-led centres and here that is the case patients will still be able to remain registered ith their GPs at their existing location and premises; acknowledges at the expansion of primary care is essential if the overall health f the population is to improve, and inequalities in health are to e addressed; and welcomes plans to ensure enhanced primary are services are capable of meeting the new challenges facing the HS including tackling lifestyle diseases such as obesity and rough more effective screening programmes for the general opulation."

We are delighted that the hon. Member for South ambridgeshire (Mr. Lansley) has used up another of is party's Opposition day debates to allow us to reiterate ur commitment to primary care, set out our record of nvestment and reform, and explain in detail our exciting lans to expand capacity in primary care.

No previous Government have more clearly emonstrated their commitment to primary care and hose who work in it. Let us examine the record since 997: investment in primary care has more than doubled; here are more than 5,000 more GPs and more than ,400 more practice nurses; GP pay has increased by round 55 per cent. in real terms; GP hours have educed by 17 per cent., and the time spent on each atient is up by 50 per cent. That is hardly the record of Government who are hostile to the role of primary are in the NHS.

I want to set out as clearly as possible exactly what he Government propose throughout the country, what he NHS is seeking to do in London, and to mention riefly other separate developments that clinicians, patients nd managers in local PCT areas, including—I am leased to say—Hull, are leading.

Let me begin by stating firmly what we do not propose. According to the BMA and its political wing opposite, he Government have not one but three evil ulterior notives: to privatise primary care by allowing companies uch as Boots to run GP services; to nationalise primary are by making GPs state employees; and to destroy amily practices by breaking the GP-patient link.

Mr. Lansley: Look behind you.

Alan Johnson: Conservative Members claim that the ccusation of privatisation comes from behind me, but t appears in every BMA leaflet that I have read, at the ame time as that of trying to make GPs do what Bevan ould never make them do—become state employees.

Michael Jabez Foster (Hastings and Rye) (Lab): The GPs of Hastings and Rye are not persuaded that the BMA has got it right. Not one has complained. They are delighted with the £15 million that my right hon. Friend has made available for a new health centre in the town centre. Patients are not compiling petitions, either.

Alan Johnson: My hon. Friend's experience is replicated throughout the country.

We are supposed to have three ulterior motives. All that is arrant nonsense. It is possibly the most ludicrous misrepresentation made in the House since the equally ludicrous attempts to distort the principles behind the establishment of the NHS 60 years ago, and it derives from exactly the same source.

The motion refers to a Government plan to "impose" "polyclinics." Opposition Members deliberately use that term because of its impersonal and biomedical connotations. There is a perfectly valid argument for polyclinics. There is no argument for imposing them centrally on every locality as a replacement for GP practices—that is why we do not have such a plan. A polyclinic combines primary and secondary care. The only part of the country where a network of polyclinics is proposed is London, where a comprehensive review of health services took place last year, and the Government had no say in its outcome. It was a London consultation, which the NHS in London led.

Joan Ryan (Enfield, North) (Lab): The hon. Member for South Cambridgeshire (Mr. Lansley) mentioned north London. In my constituency, the chairman of the local medical committee, who is a local GP, made it clear that premises are limiting the advantages that GPs can offer patients. A plan that provides GP centres is therefore important. It is likely to give us a GP centre in Enfield Lock and in Enfield town—exactly what Sir George Alberti, a leading clinician, said that we need. The people of Enfield, North will not be deprived of that huge investment by the Conservative party's propaganda.

Alan Johnson: My right hon. Friend makes an important point about health services in London. We had no role in the outcome of that review; however, like the population of London, we support NHS London's proposals. I want to take a minute to explain to the House why the proposals, which those on the Opposition Front Bench oppose, are right for London.

Mrs. Jacqui Lait (Beckenham) (Con): If the footfall of a centralised primary care centre is 50,000 people, that adds up to about 50 per cent. of all the GP practices in any one constituency. As a south-east London MP, I should be grateful if the Secretary of State said whether he is seriously proposing that 50 per cent. of our constituents go to one place for their primary care?

Alan Johnson: I am suggesting that the hon. Lady, like her colleagues on overview and scrutiny committees throughout London, participate in the London consultation, the outcome of which has shown wide support from both the public and politicians of all political persuasions for what is being proposed in

n Johnson]

/e hear the trite comments from the Opposition
nt Bench, but people in London do not have access
ne quality of primary care that they deserve. There
particular problems with access in this city. An
s MORI poll of Londoners revealed significantly
er satisfaction ratings than the national average, and
54 per cent. of GP practices in London have only
or two GPs, compared with 40 per cent. elsewhere,
nearly 20 per cent. of GP practices in London are
ble to offer an appointment 48 hours in advance,
demand for longer opening hours is even higher
in the rest of the country, that 50 per cent. of all
ents who attend A and E departments in London
be better treated elsewhere, and that more people
up A and E in London than in any other city.

Ir. Graham Stuart *rose—*

Ir. Redwood *rose—*

ngela Watkinson (Upminster) (Con) *rose—*

lan Johnson: I give way to the London MP.

ngela Watkinson: One of the justifications for polyclinics
e extension of GP availability. Healthcare for London
tes the patient survey of 2007 as saying that the
ority of patients are dissatisfied with their GP's
ning hours. However, the British Medical Association
tes the same survey as saying that 84 out of 100
ple are satisfied with their GP opening hours, so is it
better to listen to individual patients and individual
? I have not had one GP or patient from my
stituency contact me to say that they are in favour of
clinics.

lan Johnson: The hon. Lady is referring to the
lthcare Commission report, which was not a London-
survey and which showed a high level of satisfaction
GP opening hours. However, the 84 per cent. in
ur left some 6 million people throughout the country
were dissatisfied. When one looked into the figures,
found that people from black and minority ethnic
munities, such as the Bangladeshi community, those
n poorer backgrounds and, in particular, those from
don were much less satisfied than the rest of the
ntry. According to a BMA survey, 60 per cent. of
don GPs say that their facilities are unsuitable for
ent needs, 75 per cent. think that they cannot meet
re needs and 36 per cent. doubt whether their
ities could be adapted to meet the access requirements
he Disability Discrimination Act 2005. Those are
problems in London, which London is seeking to
lve.

r. Graham Stuart: The Secretary of State is talking
arge extent about London. Can he tell my constituents
he wishes to impose a polyclinic on the East Riding
orkshire PCT, where I assure him there is very little
tite for one? This morning, a GP from Beverley
me:

olyclinics will lead to the end of personalised care which
nt patients enjoy."

GP, who is nearing the end of his career, also
perhaps this will rock the Secretary of State

most—that he has voted Labour all his life, but will
do so at the next election, because he has lost confide
in the Government on health.

Alan Johnson: Let us stick to London for a second

Mr. Redwood: Will the Secretary of State tell us w
the total cost will be of this elaborate reorganisation

Alan Johnson: The total cost is estimated at arou
£150 million, which will be money well spent and
crucial investment in improving the situation in Lond

The term polyclinic has been used in London
describe a range of models that allow primary
some secondary care services, such as diagnostics, to
available in each local community, reducing travelli
time and making services more convenient for patie
In some cases, that may involve bringing services toget
under one roof. In other cases, as my right hon. Frie
the Member for Enfield, North (Joan Ryan) mentioned
this is a specific option that is part of the Lond
proposals—it involves having a network of GP practi
linked to a hub that provides more specialist servic
Both of those are available in London.

Interestingly, in the one part of the country wh
polyclinics are being proposed, Conservative politicia
support the proposals, as, indeed, do the public. Ev
local authority overview and scrutiny committee, includi
those that are Tory-led, backs the exciting plans
resolve NHS problems in the capital—problems th
probably should have been dealt with 20 or 30 ye
ago.

Lynne Jones (Birmingham, Selly Oak) (Lab): I certain
welcome the additional investment in primary care, b
whatever the problems in London, they are not t
same in Birmingham. The report to the PCT
implementing the measures said that there was

"no clear geographical area which warranted investment in
additional three partner practice"

and no real pattern to highlight a need for the GP-l
health centre to be located in one particular place.
place was chosen because accommodation was potentia
available, even though there are low levels of unde
doctoring there. I therefore ask my right hon. Frie
please to give this money to the PCTs and to let the
decide how to spend it in the interests of the people th
serve.

Alan Johnson: I think that that is the Opposition
policy—give the money to the BMA and it will deci
how to spend it. It is also their policy for GPs to
allowed to set up where they want to, for GPs to
allowed to open when they want to and for GPs wh
work in disadvantaged areas to get more money. I d
not agree with that policy. I believe that when we mo
on from London and talk about other parts of t
country, including the west midlands, my hon. Frie
will agree that our proposals are the most sensible w
forward.

Norman Lamb (North Norfolk) (LD): The Secreta
of State accused a Member on his own side of t
House of adopting the policy of the BMA, but the ho
Member for Birmingham, Selly Oak (Lynne Jon
actually said was that she wanted to give power to t
local area so that decisions could be taken local
Surely that is what should be done, as it is local peo
who know what the needs are in any particular area

Alan Johnson: That is what we are doing—*[Interruption.]* I am talking about what is happening in London; I will come on to the rest of the country in a minute. London has had its own analysis of problems, which have been the subject of many reports over the last 20 years. Politicians refused to implement the proposals. We are implementing the proposals, with London's support.

Dr. Tony Wright: Is it not interesting to note that the BMA—when not campaigning and producing petitions—wrote a few weeks ago to all GPs and local medical committees describing the new proposals in what it called a "factual guide"? It talked about the key differences between the health centre proposals and the polyclinic proposals; and of the polyclinic proposals it said, "mostly in London".

Alan Johnson: I have not seen that particular circular, but that is exactly what I am trying to explain. In London, there is a specific proposal about polyclinics. That is opposed by the Conservative party, despite the fact that the project has been worked up locally by people in London and has been the subject of full consultation with the public and GPs.

Clive Efford (Eltham) (Lab): In my constituency, we are about to rebuild a new local hospital which will be a 24/7, GP-led urgent care centre with 40 respite beds and diagnostic services that are to be brought right into the heart of our community in Eltham. The hon. Member for South Cambridgeshire (Mr. Lansley) has proposed that any vested interests in the local health economy could scupper that in the face of widespread local support for the scheme. That is not bringing the service back to local people; it is taking it away from them and putting it in the hands of vested interests.

Alan Johnson: My hon. Friend makes a very powerful point. The Minister of State, my hon. Friend the Member for Exeter (Mr. Bradshaw), will be visiting the area next week.

Unlike the proposals for London, the 150 GP-led health centres that my Department has asked the NHS to develop across the country are not, and have never been, designed to alter the way in which existing GP services operate. The London proposals are so designed, for all the reasons that I have discussed. The proposals for the rest of the country are not seeking to change GP services at all. They are designed purely and simply to increase capacity. The average primary care trust has around 55 GP practices that will continue to provide services to their patients as they do today. In addition to those practices, each PCT will also now have a GP-led health centre, funded from ongoing additional investment, attached to which are only three conditions. No. 1 is that the centre should be in a central location; it should be accessible. No. 2 is that it should be open from 8 am to 8 pm, 365 days a year. The third is that any member of the public must be able to use the centre either to book a GP appointment or to turn up to see a GP or nurse without the need to be registered at the centre—in other words, people can continue to be registered with their local family doctor and benefit from the continuity of care that is provided.

Mr. Lansley: The Secretary of State says that those are the only requirements, but surely it is a requirement that the Department has laid down that these centres—these clinics—should register patients. By extension, therefore, patients will no longer be registered with other GP surgeries.

Alan Johnson: I just mentioned that—*[Interruption.]* I did. I said that the third condition allows patients to be registered or to walk in and receive GP services because they are in a more convenient location. Let us consider the logical extension of the hon. Gentleman's argument. Yes of course members of the public can decide to leave their existing surgery and register at this GP-led health centre. It is called patient choice. They are perfectly entitled to do that. What we expect is that this additional resource will be used to mix and match, as I mentioned. Most patients will want to stay with their existing GP because of the particular benefits that gives them, but they will also want to use the GP-led health service on Christmas day or on a Sunday afternoon knowing that they do not have to be registered there to use its services.

Mr. Mark Francois (Rayleigh) (Con) *rose—*

Mr. Graham Stuart *rose—*

Peter Bottomley *rose—*

Alan Johnson: I give way to the hon. Member for Worthing, West (Peter Bottomley).

Peter Bottomley: The Secretary of State is trying to share as much information with the House as possible. Is it not true that there are two other conditions? One is that no primary care trust can say, "No, we don't want to do it." The second is that there is a rule that no existing GP-led health centre—that is to say, a wide practice—can turn itself into one of these new GP-led health centres.

Alan Johnson: It is absolutely the case that we are saying that in the interests of greater capacity, greater patient choice and the public being able to access primary care, this is not a zero-sum game. There will be a greater need to access primary care in the future, particularly with the plans that we have for prevention being as important as diagnosis and cure, and there must be one of these centres in each location.

I have set out the three conditions. Beyond those, it is for local GPs and the PCT to discuss exactly how the service is provided.

Mr. Francois: I thank the Secretary of State for his courtesy in giving way again. I suspect that hon. Members on both sides of the House would agree that many patients are naturally very loyal to their general practitioner. That being the case, does the right hon. Gentleman accept that if there were to be any attempts by financial mechanisms or otherwise to compel general practitioners to move into polyclinics against their will, that would be resisted by the GPs, very likely by their patients, and not least by local Members of Parliament as well?

Alan Johnson: I accept that point entirely. That is not part of our proposals.

Andrew George: Further to the point raised by the n. Member for Birmingham, Selly Oak (Lynne Jones), he Secretary of State looks at areas such as Cornwall d the Isles of Scilly, he will see that there is a geographical oblem. If he is simply imposing a top-down restructuring the type that he is describing, a single polyclinic in t one area in a place the shape and size of Cornwall ll clearly have a destabilising and destructive impact. hy does he not allow that local community to design vices that best meet its needs, rather than imposing s top-down, centralised restructuring? Why will he t allow the local community to design its own services d achieve the aims that I think he desires?

Alan Johnson: We have specified three conditions. e centres must be centrally located, must be open m 8 am until 8 pm seven days a week, and must allow ople to use their services on a drop-in basis as well as be registered if they wish. The money that will be ested is additional money, provided not by the local mary care trust but from the centre, to improve ess throughout the country. I think that that is the ht thing for a Government to do.

Harry Cohen (Leyton and Wanstead) (Lab): Members the BMA are not the only people to comment on the posals. The Royal College of Midwives, of which I an honorary vice-president, tells me that it is interested he potential of polyclinics and larger health centres provide better midwifery services—better antenatal d post-natal care. That means, however, that the tres should provide accommodation for midwifery. ll Ministers and local NHS chiefs encourage the ision makers to provide such accommodation?

Alan Johnson: My hon. Friend has reminded me why proposals are so exciting for London. It will be ssible to provide services such as diagnostics and ternity care, and to achieve a fundamental advance primary care in the capital. My hon. Friend has also minded me that we should listen to the views of Age ncern. The hon. Member for South Cambridgeshire d how dreadful the new arrangements would be for erly people. This is what Age Concern said in a efing for today's debate:

"For many, especially carers and those with mobility issues, the er surgery or polyclinic could be preferable to what they ently have on offer. For those without transport, it can take a le day to get to the doctor and back, via the pharmacy. If , they are required to visit the hospital for blood tests, x-rays anything else, that will take them another day. There is a atively enthusiastic welcome to a super surgery or polyclinic will allow them to do all these things on one day, under one ."

hen we talk to the public and to patients, they see the raction. Obviously they listen to the horror stories t are being peddled, because they trust their local s, as well they should, but when what we are proposing ontrasted with what Her Majesty's official Opposition suggesting that we are proposing, it can be seen that at we are doing is improving primary care throughout country.

Mr. Chris Mullin (Sunderland, South) (Lab): What uld my right hon. Friend say to the GPs from the believe that the money could be spent more efficient it were spent via existing doctors' surgeries. When as why, they say that some of the previous reforms, such independent treatment centres, have proved quite waste

Alan Johnson: I would tell those GPs that this is the only investment being made in primary care. Ab £500 million is going into primary care this year fr one source or another. In Sunderland, as well as in city of Hull, GPs will have their own plans, but we ensure that in the country is there a sin patient who cannot gain access to primary care se days a week, 365 days a year, between 8 am and 8 p God forbid that I should make the link between Newca and Sunderland, but people who work in Newcastle live in Sunderland will now be able to go to a GP health centre in Newcastle. This is about patient convenie and patient choice.

Dr. Stoate: May I play devil's advocate, and sugg that my right hon. Friend is not going anywhere n far enough? While I support his plans for super-surge that will be open seven days a week—I think that will really help patient care—my real desire is for th not just to provide GP care seven days a week but provide visiting consultants, X-rays, physiotherapy occupational therapy. I want patients to have access t whole range of services that people in smaller tow and rural communities currently have to travel m miles to receive. I want the centres to provide th services so that patients will not have to travel 20, 30 more miles to major centres to receive services that t could receive far more efficiently and cheaply in th local communities.

Mr. Deputy Speaker (Sir Alan Haselhurst): Or Before the Secretary of State replies, may I just rem that the interventions have been getting steadily long I ask everyone to remember that the list of Memb wishing to take part in the debate is quite long.

Alan Johnson: My hon. Friend the Member for Dartf (Dr. Stoate) is right. I am concentrating on prim care because of the attack that these proposals somehow diminish primary care. Bevan, at this Dispa Box in 1946 as the National Health Service Act passing through the House, saw the integration of prim and acute care as one of the fundamental principles the creation of health centres around the country, a we have an opportunity to revisit that.

Several hon. Members *rose—*

Alan Johnson: I will give way one last time, and the shall make some progress.

Mr. Eric Illsley (Barnsley, Central) (Lab): We in Barns are looking forward to having a super-surgery— polyclinic, or whatever it will be called. We have tradition had too few GPs, to the point where one GP pract currently has a patient list of 8,000. Nobody can tell that that is ideal. We are therefore quite looking forw to the extra capacity that will come with these sup surgeries.

Alan Johnson: My hon. Friend refers to Barns

Mr. Lansley: It does not say that.

Alan Johnson: It is stated that the Tories claim that 608 practices may close in 58 PCTs. *[Interruption.]* Well, I apologise for initially saying "will" instead of "may". Also, the procurement guidance that was "discovered" hidden away on our website was actually launched by Ministers in December at a public meeting.

Barnsley is cited as one of the Conservatives' examples; it is said that, because there are all these GP surgeries around the area where the GP-led health centre will be placed, somehow they will all close. However, my hon. Friend the Member for Barnsley, Central (Mr. Illsley) is absolutely right. Barnsley has 49.3 GPs and 25.4 nurses per head of population and all the resultant health problems, while Cambridgeshire—the hon. Gentleman's part of the world—has 74.6 GPs and twice as many nurses per 100,000 head of population. That is why, as another major part of this proposal, we are putting 130 new GP practices in under-doctored areas, which I presume the Conservative party also opposes. *[Interruption.]* Well, I am sorry, but it signed up to a petition saying that GPs should be allowed to set up where they want to set up, and if we want them to work in poorer areas, they should get more money. Not even the Brazilian Health Minister, who was talking to me the other week and who is introducing health centres in the favelas in Rio de Janeiro, was saying that the GPs who work there should get more money, but that is what the Conservatives are saying for towns such as Barnsley and Hull.

Mr. Graham Stuart: Will the Secretary of State give way?

Alan Johnson: No, I want to make some progress. I will give way to the hon. Gentleman again later, if I get a chance.

Greg Mulholland (Leeds, North-West) (LD): Will the Secretary of State give way?

Alan Johnson: I will certainly give way to the hon. Gentleman shortly.

Many PCTs are looking to provide other services in these health centres, such as diagnostics or pharmacy services. However, that is a matter to be decided locally in consultation with patients, GPs and the public. We have no plans, no intention, no desire, no aspiration and no ambition to force a specific model of primary care on GPs or patients. These new services are designed not to replace existing GP surgeries, but to provide additional access and extra choice for patients.

Nor is this an attempt to get rid of single-practice GPs, which will continue to be an essential part of primary care, particularly in rural areas. However, there has undoubtedly been a general trend in recent years for GPs to come together to work in larger teams so that they can provide a better range of care and more integrated services. There are now more than 500 practices with nine GPs or more. This has been led and encouraged not by Government, but by GPs themselves, who

Mike Gapes (Ilford, South) (Lab/Co-op): Will the Secretary of State give way?

Alan Johnson: No, I will not give way for a while. Therefore, having invested heavily in primary care and increased the number of staff and improved their conditions, the Government now propose to expand primary care capacity, including in the 25 per cent. of PCTs with the poorest GP provision, thereby addressing a major cause of health inequalities.

What have Her Majesty's official Opposition got to say? Last week, they claimed that there was a £1.6 billion black hole in our plans for GP-led health centres. I note that that ludicrous claim is missing from the catalogue of ludicrous claims masquerading as a motion for today's debate. Yet again, they mistakenly assume that what has been proposed for London will be transposed to the rest of the country, and there will be 25 GPs in each of the new health centres—in actual fact, the expected number is five not 25.

Greg Mulholland: I think the Secretary of State gave a rather one-sided view of the Age Concern briefing that he mentioned. Does he acknowledge that older people have real concerns about these plans, particularly because, as we know, they are most reliant on family doctor services? There are real concerns that the relationship will be lost. There are also concerns about access during the day; people hope that the extended hours will not mean fewer opportunities to see family doctors during the day, because they are the sort of times on which older people are particularly reliant.

Alan Johnson: The hon. Gentleman is right to say that the elderly, who use health services more and, as Age Concern points out in the briefing, use primary care services much more, would be worried by any indication that their GP services were to be diminished. As Age Concern points out, the advantage of the polyclinic and the health centre for elderly people is that even if they have to go a little further to get to the polyclinic, they do not have then to go somewhere else to go to the pharmacy, to go somewhere else to get diagnostics and to go to the hospital for other services. That is a very important point.

Incidentally, we have been absolutely stringent in saying that increased access, which the Minister of State, Department of Health, my hon. Friend the Member for Exeter (Mr. Bradshaw) has mentioned has now reached 21 per cent. across the country—that is an 11 per cent. rise since we introduced the policy—must not be at the expense of existing hours. The pay that goes to GPs is only for their giving additional hours; it is not for putting in a Saturday morning and taking away a Thursday afternoon. The hon. Member for Leeds, North-West (Greg Mulholland) is right to raise the point.

Mrs. Maria Miller (Basingstoke) (Con): Perhaps the Secretary of State can clarify something for me. He is at pains to say that his proposals do not aim to replace GPs' surgeries, yet the proposal put forward by the Hampshire PCT to locate a polyclinic—or whatever he wants to call it—in my constituency talks about building "capacity to absorb a growing population."

ohnson: It sounds to me that building capacity a growing population is absolutely right; this ce is to deal with greater capacity, so well done re.

kinson *rose—*

ohnson: I am not going to give way.

legation is made by the Conservative party that e of these GP-led centres will have 25 GPs, and vrong, because we expect them to have, on about five new GPs. That rather silly sentation is less pernicious than the way in any patients are being deliberately misled by the profession about what our proposals to primary care actually mean.

here a leaflet produced by a group of GPs on entitled "Save our Surgeries". It has an NHS it, when it should not have, it contains no to which to write and it makes several antiated claims about what our proposals will It is, by no means, an isolated leaflet; such are going right across the country. It says:

initiative will be the first stage in dismantling of traditional practice in this country."

nonsense, because we are actually providing new ent and additional capacity.

leaflet also states:

will have to de-register from your local surgery in order er and be seen in a new one."

will not have to do so, although, of course, who chooses to change their GP, as is their will have to register with a new practice. That is se for any patient now who chooses to change e, but the same will not be true for those who use w GP-led health centres. As I have explained, ts do not have to leave their existing GP to gain to the new service.

e is another one; the leaflet also states:

s funding is only for a very short time. When it runs out. T will have to use other funding to continue the new s."

is not true. We have confirmed that it will be ent funding for primary care trusts. Finally, it

e proposals will eventually force doctors to leave traditional l practices and work for private big companies like Tesco or . Doctors who work in these practices will have to follow ny policy and protocols regarding prescribing expensive and making referrals to hospitals."

borders on hysteria. In the first instance, we expect of the new contracts to go to GP-led consortiums, rivate companies, and any GP practice, whoever it, has a professional duty to provide the best ble care for its patients and will already work to ble protocols on prescribing and referral. In fact, n has made it clear that it is not interested and will ven be bidding for these new practices. It will seek ; GPs—who are already, I remind hon. Members, e private sector—to come into consortiums with it, it will provide the building. That is nothing to do the Government or the 150 new GP-led centres.

r. Graham Stuart: Will the Secretary of State give

Alan Johnson: No, I will not.

Such scurrilous leaflets ignore or patronise the central player in this debate: the patient. While the vast majority of GP practices provide an excellent service, it must be acknowledged that many patients cannot access the services they need and that there is a very real need to improve the quality of primary care in some parts of the country, especially in London.

We have many examples of patients being dragooned into signing the BMA's petition, but when patients understand our proposals, they realise that we will not be taking away their GP services and that the relationship between the family doctor and the GP is sacrosanct and will be protected by this Government.

The Government believe that adding more than 270 new GP practices and GP-led health centres across the country, with the majority in under-doctored areas—some of which have been under-doctored for the past 60 years—will add extra capacity, provide more convenience and choice for patients, and allow the expansion of more preventive work such as vascular checks to proceed successfully. As we will not be removing existing GP surgeries, the time for the Opposition to criticise these proposals will be when and if these new facilities remain empty and unused once they have been established. I confidently predict that that will not be the outcome, and that historians of the health service will look back on this peculiar spat as the time when producer capture killed off the little credibility that the Conservatives ever had on health issues. I commend the amendment to the House.

4.52 pm

Norman Lamb (North Norfolk) (LD): It is surely a spectacular achievement by the Government to have taken a concept that is clearly worthy of consideration and development and, in the space of nine short months, turned so many people against it. The reason for that is the central imposition from Whitehall, which will require every PCT to introduce a GP-led health centre.

The Secretary of State draws a distinction between GP-led health centres and polyclinics, but the King's Fund—which is entirely independent of the BMA—says that they involve a model of care that is not dissimilar. GP-led health centres are, at the very least, embryonic polyclinics. They look to most independent observers very much like the same thing. As the hon. Member for Birmingham, Selly Oak (Lynne Jones) and my hon. Friend the Member for St. Ives (Andrew George), who is no longer in his place, made clear, surely the decisions should be made by local commissioners, who are accountable to the communities they serve.

The frustrating aspect is that this all started so well. In July last year, the Secretary of State announced the Darzi review. He said:

"The review, the first of its kind, will directly engage patients, NHS staff and the public. I have written…to all NHS staff to explain the importance of this new approach. The success of the review will depend on gaining access to those relationships and stimulating a range of lively, local, provocative debates. Public services cannot be transformed by going against the grain of public service, or without support from the professionals who know the NHS best."

That was the stated ambition at the start of the process, but three short months later, when the interim Darzi

ntres, one for every PCT. Was that really the outcome that great conversation with the NHS, or was it the position of a blueprint that had already been determined ng before the launch of the review?

Mr. Lee Scott (Ilford, North) (Con): Does the hon. entleman share my concerns about the fact that Lord arzi said in his report that many polyclinics would ke the place of the care provision formerly provided district general hospitals? Does he agree that that ould be a detrimental step? We have all been fighting save our district general hospitals, and anything that reatens them will be of great concern.

Norman Lamb: That might be a concern, but my gument is that these new mechanisms for delivering re should be piloted. They should be tried in various rts of the country so that we can learn the lessons, th positive and negative, and see what the implications e for district general hospitals and community hospitals. e ought to be developing a lot of these services in cal community hospitals, which often serve very rural eas. For many communities, that would be a much tter way forward than the Government's proposals.

The Secretary of State, who has left the Chamber markably quickly, claimed that this was not a central nposition, but it is. The operating framework for the HS for 2008-09 states that

ll PCTs will complete procurements...for new GP-led health ntres"

thin this year. What a stitch-up—a centrally imposed rection from Whitehall that must be carried out within ch a short time.

One would have hoped that the Department and linisters might have learned lessons from the debacle at was the Medical Training Application Service and om the whole business of modernising medical careers. e saw the consequences of imposing an entirely new stem across the whole country, without proper piloting, nd it ended in disaster, causing many problems for nior doctors. Did the Government learn their lesson om that gross error? No, they did not.

Here we are again, imposing a system from the centre spite all the evidence, which I shall come on to, from e King's Fund and many others, which ought to be ough to make the Government stop and think, and arn lessons before proceeding further. In future years, is case will provide us with yet another perfect case udy of how rushed central imposition fails, with the aste of resources that always happens when attempts e made to impose a measure from Whitehall, with the ilure to develop policy based on evidence, and, critically, th the alienation of professionals and communities.

Let me deal with the subject of the alienation of ofessionals. The Government have decided to pick a ght with the BMA, and with GPs in general. They ickly dismiss the BMA, accusing it of being luddite d resistant to any change, and saying that it always s been like that and always will be. That view results the Government closing their mind to legitimate ncerns from many doctors about the implications of e proposals. It also closes their mind to the risks of ndermining what is already very good in our primary re system. Primary care in this country is the envy of uch of the rest of the world. We must never be mplacent about the need to improve primary care when it fails, but there is a real risk that the proposals will undermine much of what is so good about the system that we have.

Alienating communities is not the way to empower communities or local commissioners. The primary care trust in Birmingham mentioned by the hon. Member for Birmingham, Selly Oak might well have its own plans about how it wants to develop services in that community. In my county of Norfolk, the primary care trust has not even finished a review of its estate since it was created in the autumn of 2006, yet this change is being forced on it.

These decisions should surely be made locally, and should be based on what works best in the area. They should be based on what services are being developed to provide the services talked about in the proposal—such as the community hospitals, which are so critical in serving rural areas. They should be based on the quality of primary care. It is variable; surely that points to a need for local solutions, rather than having Whitehall simply impose its proposals. Surely local commissioners should make such decisions. What are the important principles that should apply, and what evidence is there that existing provision is failing? What evidence is there that polyclinics will provide solutions to any of the failures that we identify?

The principles behind the proposal are important. First, clearly there are real issues to be addressed in connection with the concept of breaking down the divide between primary and secondary care. The case for providing care closer to home is an important principle, as is the quality of care provided to the patient. As for whether there is a need to improve what we already have, as I have said, we must not be complacent. There is a divide between primary and secondary care, and we should consider all ways of reducing that divide, to ensure that there are better working arrangements between consultants in hospitals and GPs working in the community.

The quality of primary care is generally, but not universally, excellent. The Royal College of General Practitioners is aware of that; it recognises the variability of care across the country, and the fact that in deprived areas there are fewer GPs. There are concerns that some single-GP practices do not provide the quality of care available elsewhere. Some are very good, but others do not offer care of a sufficient quality. There are financial incentives that encourage GPs to work in the leafy suburbs, but not to work—or stay—in the poorest communities. Those financial incentives need to change.

There are also concerns about the patient experience. The Secretary of State made the point that if a person has to visit a GP, then a pharmacy elsewhere, and then a hospital for a further check-up, perhaps after an operation, they may make many long journeys. That can be extremely onerous for the elderly and people who live in rural areas. At the beginning of the week, I spoke to a constituent who described making a 60-mile round trip to the acute hospital in Norwich for what turned out to be a two-minute check-up appointment following an operation. None of us can be happy with that situation, so we must have open minds and be willing to consider ways of improving the patient experience.

It is worth while considering new models of care, looking at what works in other countries, and trying to learn the lessons. Last summer, I visited the Arches health centre in a poor, inner-city part of Belfast. It is, in essence, a polyclinic. It brings together health and

Lamb]

e, and there is a citizens advice bureau in there. all intents and purposes, it looked like an impressive facility, so I am certainly not e of the concept's potential to work in certain onditions, but when the King's Fund looked at nce, it raised serious concerns.

ing's Fund first looked at other countries. some bizarre cross-dressing going on; it talked e original concept coming from the Soviet d being developed in many eastern European that were part of the Soviet bloc, yet those are now moving away from that model, and a much more open primary care market. le the United States, Germany and Canada much moving in the direction of the polyclinic As two groups of countries are moving in ally opposite directions, the changing enthusiasm linics surely ought to make us wary.

ing's Fund also warns that what might look active and work effectively in the States or cannot be translated to this country. It makes t that there are far more doctors per 1,000 Germany, for example, than in this country. on is required about simply adopting something s good elsewhere.

ing's Fund clearly recognised the potential for concepts of delivering care, but it found no ic evaluations of polyclinic models in other . The Government, however, appear determined ed without that evidential base. The King's d real concerns about what it saw overseas. It in many cases, the fact that professionals were together under one roof did not automatically integrated care; it saw a lack of integration polyclinics and hospitals. It raised concerns lack of continuity of care, whereby the patient see the same doctor every time. That is one of s that cause elderly people a lot of concern.

ing's Fund found concerns about a decline in onal motivation and development, where nts who might previously have been based in centres of excellence end up in more remote way from professional colleagues.

ely, given the Government's claims, the King's entified a lack of patient choice. Given some of cerns that have been raised by the BMA and out the ultimate position with small GP practices the result could be that people in a local area with less choice about their primary care centre. ight have no choice but to go to the local ic. That looks very likely to be the case in

King's Fund also looked specifically at the local ment finance trust schemes already operating in ntry. It specifically examined 12 LIFT schemes onsidered bore all the hallmarks of the polyclinic hat the Government seek to pursue. It said:

thing were to demonstrate the benefits of the polyclinic England, it should in theory be evident in LIFT schemes."

d the King's Fund find? Its conclusions should e Government. It found little evidence of innovation ountry's existing polyclinic model. It found that be integral to those centres, had "fallen by the wayside" and were not continuing to participate in them because of tight local funding streams.

Crucially, the King's Fund found a lack of clarity about responsibility for strategic development—no one in charge, determining the strategic development of those centres. It found a lack of clarity about who was responsible for overall clinical governance in those facilities. Surely that should disturb the Government. It found that payment by results—the Government's mechanism for funding care, which is a blunt instrument—is causing acute hospitals to have their funding streams undermined where such centres exist, because the polyclinics do the more routine procedures, thus leaving the acute hospitals to do the more expensive procedures, while receiving the same tariff. They are losing income for the simple procedures and receiving too low a tariff for the more complex procedures. All that is swept aside in the Government's determination to rush headlong down this route.

The King's Fund also found that none of the 12 existing schemes demonstrated savings or improvements in costs compared with previous models of care. They had struggled to persuade GPs to relocate, and had been developed because of a political imperative to introduce them, rather than being based on patient need. The report raised the specific fear that polyclinics would, in effect, become white elephants. It also noted the concern about access. It drew specific attention to the fact that if people have to travel further and for a longer time to their primary care centre—particularly in the more deprived communities, where people might not have access to cars—they are less likely to use that facility. Surely, again, that should be a concern in London, given the proposals that the Government are intent on pursuing.

When the King's Fund examined the 12 existing cases, it identified a failure to shift any care from remote acute hospitals to polyclinic settings. It is essential to secure local leadership and a shared ambition, which is usually lacking when a model is imposed on an area by Whitehall.

The King's Fund has stated that, critically, the Government have not answered the question about who will lead on either strategic direction or clinical governance. Until the Government clearly indicate their intentions on centrally imposed GP-led health centres, there will be massive concern that the fears identified by the King's Fund in the existing centres will be realised right across the country, because we have not learned the lessons from the pilots. Foreign evidence also points to the central importance of leadership in such centres. The existing LIFT schemes and the foreign experience should be enough to persuade the Government to pause for thought.

My plea to the Government is to develop pilots with proper investment. The King's Fund has stated that the focus is often on simply creating the building within which services are provided, without investing in change management, which involves changing services and the way in which patients are treated. We should develop those models, extend the evidence base, sort out the question of leadership and explore the range of models, which include hub and spoke, and locating all GPs in

The Minister of State, Department of Health (Mr. Ben adshaw): The hon. Gentleman is discussing pilots and olyclinics. He may be interested to know, if he does not ow already, that the only part of the country that rrently proposes to develop polyclinics is London, here 10 pilots have been proposed.

Norman Lamb: As I have said, the King's Fund has ghlighted the fact that GP-led health centres across e country have all the hallmarks of polyclinics.

Mr. Goodwill: I have the minutes of the North Yorkshire nd York primary care trust clinical executive meeting February, which considered a proposal for a polyclinic Scarborough. The PCT thinks that it is going to have polyclinic, even if the Minister does not.

Norman Lamb: I am grateful to the hon. Gentleman r that intervention. Everyone outside this place uses he terms interchangeably—for example, the King's Fund, he independent research body, uses the terms nterchangeably. Everybody understands that what is appening is the introduction of something that looks ery similar to a polyclinic: it may be embryonic, if that the right way to describe it, but it has many of the haracteristics of what the Government describe as a olyclinic.

We should watch the evidence develop and allow xperiments with community hospitals to develop services n rural areas. We should listen to the warnings from the King's Fund and many others rather than the warnings rom the BMA. Many independent bodies have expressed oncern and oppose the central imposition of a new nodel of primary care. Even at this late stage, given all he evidence out there, the Government should make it lear to PCTs and to strategic health authorities which uietly do the Government's bidding, that PCTs are free o say that they will not introduce polyclinics, that PCTs an develop their own mechanisms for delivering care within the community, and that PCTs will not be disadvantaged as a result of taking such decisions. We hould learn the lessons first, and allow locally accountable commissioners to make such decisions.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Mr. Speaker placed a ime limit of 12 minutes on Back-Bench speeches in this debate. It is now apparent that if that is maintained throughout the period, not everyone will be able to take part. I propose that the first two such speeches will be subject to the 12-minute limit, and then I shall review the situation in light of how much time we have left at that stage.

5.14 pm

Frank Dobson (Holborn and St. Pancras) (Lab): I am in no position to comment on the appropriateness or otherwise of polyclinics—or whatever the Government's term is in relation to other parts of the country. Polyclinics may turn out to be useful, successful and helpful, but I am here to speak up on behalf of patients and professionals in my constituency who are expressing a great deal of concern about our primary care trust's proposals. Most people in the locality approach the issue with great distrust, because they feel that our area has been used as a testing ground and my constituents as guinea pigs in new approaches to general practice and primary care.

Until now, our area has been well served with effective and very popular GP services, but it is being subjected to changes that, from the point of view of local people, are unasked for and untried. Recently, three GP practices were privatised—there is no other way to describe it. Three popular practices were required to bid to continue their existence. They met all the quality requirements, and in the assessment they did better than the private sector bidder on all of them, but the private sector bidder put in a lower bid in terms of costs. The bid was never quite clear, because when people inquired into how the situation had come about, they were told that the matter was commercial and in confidence.

UnitedHealthcare, a subsidiary of an American outfit, secured the contract. I expected—perhaps rather cynically—that it would put on an absolutely wondrous show in the three practices that it had taken over, so that they would serve as loss leaders and as an example of what a good job it could do. My cynicism was not justified, because although a man called Neil Bentley from the CBI has declared them to be a success, he obviously lives in an evidence-free zone. Since the new company took over, appointment times for each patient have been reduced from 15 minutes to 10. If the visit or appointment is unscheduled, people get only 5 minutes, and are told that they can talk about only one problem, even if they have more. The new company has not complied with the extra opening hours that the contract specified, and which it undertook to deliver. It closed a baby clinic and then had to reopen it in response to a public outcry. There are rumours—although they are denied—that the company is in the process of going back to the primary care trust to ask for more money.

That is what has been happening in my constituency, and now we have proposals for polyclinics. These, we are told, will provide community-based diagnostics. There are apparently three proposals for polyclinics in my constituency, and as part of the move to community-based diagnostics, one will be at University College London hospital and another will be at the Royal Free hospital, so we will actually have hospital-based diagnostics and—this will be a novelty—hospital-based community and GP services. Originally, polyclinics were to be targeted at under-doctored areas and populations, which might be worth while if it were the only way to secure the extra doctors and better services required to meet people's needs. But those needs vary from place to place, depending on the geography and on the nature of the population. I have always believed in horses for courses, but I do not think that the Government do. In London, it is certainly not horses for courses but "Thou shalt have a polyclinic." I also believe that it would be a good idea for these things to be tried out in pilot schemes in various parts of the country.

I must remind Ministers that, generally speaking, GP services are very cost-effective, particularly in their role as gatekeeper for the rest of the national health service. I am sure that the Minister would have to confirm that when he talks to Health Ministers from abroad they are envious of the impact of GP services on keeping down costs. It looks, from such evidence as is available, as though where polyclinics, or something like them, exist, more investigations and tests are prescribed, often wastefully, as in the United States—perhaps less so in Germany—and

k Dobson]

people are referred to hospital as in-patients. Both developments may be a good thing from the point w of patients, but they may also be on the excessive

ve some questions, to which I have not managed answers, about the proposed polyclinic at University ge hospital. It appears that that scheme will involve body who goes there for GP services, as well as body who goes to accident and emergency and can nto the place, as opposed to arriving by ambulance. ect, far from there being a shift to community es, we are moving towards provision being increasingly ntrated in the hospital. Will the doctors there be refer people to other hospitals instead of University ge hospital, where the polyclinic will be located?

en there is the question of the impact on the area's g GP services, which are convenient and familiar—hings that appeal particularly to older people, ed people and families with children. It is also the hat nearly everyone looks for some continuity of y seeing the same doctor, if at all possible.

isters have said that no one will be forced to join yclinic, but when the companies' contracts come r renewal, will they get them renewed, will the terms be available to them, and, more importantly, ney be entitled to apply to some of the practices le the polyclinic? That is not clear at the moment.

at brings me to the question of who will own the inic. Will it be a private sector outfit? Will dHealthcare, which has already taken over the GP practices in the area, be able to bid for and ver the polyclinic? If so, that will be despite the hat its owners have been indicted for fraud and form of swindling of taxpayers, patients and rs in the United States. If it gets the polyclinic act, will it also get the out-of-hours contract, for it is believed to be bidding? If so, we would end th a US company having something approaching l monopoly in part of my area. I remind Ministers he first priority and statutory duty of the people ng a private sector company is to put the interests eeds of shareholders first. It is not just me who hat. Mr. David Worskett, director of the self-styled Partners Network, which is in the private sector, id:

e independent sector has to protect shareholders' interests".

company, as an American company, believes in ng diseases into a commodity; that is how it has its money over the years.

nden primary care trust is already putting a massive into promoting polyclinics at University College tal and the Royal Free hospital, but it is not g the same effort into two practices in Kentish that have put themselves forward as a possible inic. They have not had the same level of involvement officialdom, yet they have a fine track record. have been providing primary care. They have ged for consultants to come out and see their nts in their practices. They have run drug and operated from their premises, and so have people from the voluntary sector. These people have a proven commitment and competence, and to develop what they are doing would be the sort of organic development to which the Government should be committed—going with the grain, from the point of view of patients and professionals.

The London polyclinic proposals are not like that. The Secretary of State and the London health lot say that the proposals are led by the NHS in London, not the Government. I do not understand that. Professor Ara Darzi, who is a most distinguished surgeon and a highly intelligent and charming man, put forward the polyclinic proposals for London. He is a Minister in this Government. Mr. Paul Corrigan, who used to work at Downing street, is the London director of strategy and commissioning in London, and the benighted Lord Warner is chair of the provider agency in London, following his departure from office as a Minister just before all the trouble arose over the problems of junior doctors. Let us assume for a minute that there is no Government influence in the matter. That means that the strategic health authority, which is not accountable to anyone, and the primary care trust, which is not accountable to anyone, are taking decisions. In the end, however, Ministers are responsible, and I believe that they ought to take a step back.

The next thing I have to say is something conservative: remember the cost of change. The process of change is immensely costly, in terms of money and the amount of time and effort that people have to put into the process of change. I believe that Ministers—

Mr. Deputy Speaker: Order. I have to curtail the right hon. Gentleman at that point.

5.27 pm

Mr. Robert Goodwill (Scarborough and Whitby) (Con): My constituents in Scarborough are perplexed, confused and angered by the proposals. If the Minister comes to Scarborough, as I hope he will very soon, to talk to people there, he will hear that they want more money to be spent on a number of areas in the health service, such as dentistry.

Scarborough hit the headlines two or three years ago when we had queues going round the block, reminiscent of the Soviet Union bread queues, when it was rumoured that an NHS dentistry practice was opening up. People are very concerned about out-of-hours services, and four years ago the local primary care trust upset the applecart when, by putting the out-of-hours service out to tender, local GPs who were covering those services and providing cover at the local community hospital found that they did not get the contract for such services in the countryside, which meant that they could not also cover the hospital. A lot of money was wasted in one case, when dentists from Germany were brought, at £700 a night for 10 nights at a time, to provide cover.

Whitby hospital in the north of my constituency is being subjected to death by a thousand cuts, according to many in that area. Services have been reduced. The

rrently under review at Whitby because we are told ere is no demand for maternity services. That could be mething to do with the fact that maternity is open nly from 9 until 5. The health service is under siege in y constituency, and the Government are coming up ith a solution to a problem that many people do not e.

I would like to share with the House a letter that I ecently received from one of my constituents, Mary hompson. She writes:

"The last time I wrote to an M.P., it was to complain to Lawrie uinn"

ny predecessor—

bout the lack of N.H.S. dentists in Scarborough. The situation as got worse since then, but I must keep trying.

This time, it is still the N.H.S., but I would like to tell you about me of my husband Eric's experiences since being diagnosed ith bowel cancer four years ago.

After two major operations, chemotherapy and radiotherapy, e cancer returned and Eric was referred to the Leeds General nfirmary by Scarborough Hospital, who were unable to do any ore for him. We saw a Mr. Sagar who arranged for several tests, cluding a PET scan in London"—

50 miles away—

or which we had to arrange and pay for transport ourselves—no ean feat for someone who had great difficulty sitting comfortably ue to the nature of his illness. Eric's operation was arranged for ugust 18th, the long delay"

f five months

n part due to the fact that a urology team had to be on stand-by s well as the bowel team, and a high dependency bed was also eeded as it was not certain that he would even stand the surgery, o big an operation was planned. On the day, Eric was gowned nd ready for theatre when Mr. Sagar arrived to see him, extremely ngry, to say that the operation would have to be cancelled, ecause of the two high dependency beds available to him, one ad been given to a road accident victim, and the other was eeded for the person whose operation was before Eric's—his eed was deemed the greatest.

Apparently there is a shortage of high dependency beds due to overnment cuts. Eric was allowed to go home for the weekend, had to return on the Monday to keep his bed."

nat is a 120-mile round trip. The letter continues:

"The operation now took place the following Thursday, and ough successful, was incomplete as he was left with two phrostomies (tubes leading directly out of his back from his dneys, emptying into two bags attached to his legs) instead of e urostomy which had been planned. We were never told hether this was due to the postponement of the operation and nsequent changes of staff.

After going home, Eric became very ill on September 21st and ur G.P. arranged for an ambulance to take him to the A&E at arborough Hospital. We waited two hours, then our son arrived, we cancelled the ambulance and got Eric to the hospital in his r, where we had the usual long wait in A&E. Eric was unable to and and found the chairs there very uncomfortable, given his ndition. I remarked to a nurse that we had been waiting a long me and she snapped back 'Everyone has to wait—it's part of the stem'"—

Mr. Deputy Speaker: Order. I am sorry to interrupt e hon. Gentleman, but he is going into considerable etail on a matter that appears to lie outside the terms f the motion and the amendment, which are about rimary care as opposed to the secondary sector, to hich he is referring. May I suggest that he try to move ack pretty quickly to the primary care sector?

her letter by saying that better medical facilities are needed and that she does not know where all the money is being spent.

In Scarborough hospital, we need money to be spent on the deep clean which has still not been delivered. Last year, 600 jobs were going to be cut. I hope that the Minister will visit Scarborough and see where we need to spend money. We clearly do not need to spend it on a polyclinic.

In February, the PCT was told that there had to be a polyclinic somewhere in Yorkshire, and several sites were considered, including Selby and York, before it was decided that Scarborough would be the place for it. People in Scarborough feel strongly that they do not want it; they want services through their GP. Our local newspaper asked people on the streets what they thought. Mrs. Marcia Waddington said:

"I know change has to happen but I think change is not always for the better. This Government might think bigger is better but sometimes it is not."

He husband added:

"The older generation especially prefer to see a GP who knows them and their background. It just wouldn't be the same."

A lady from Colescliffe road said:

"I don't want to go to a super surgery. I want to go to my doctor's surgery. We don't need these types of surgeries. I know my doctors and like them."

I pay tribute to Mr. John Palethorpe, who led the campaign last year to save services at Scarborough hospital and has been leading the campaign this week to save our GP services. The relationship between the patient and the GP is the most valuable part of our health service. The proposal to parachute a polyclinic into Scarborough would jeopardise that important relationship. We already have a facility in Scarborough where a variety of services are available, but which is underfunded, namely Scarborough hospital. If the Minister has £1 million in his back pocket, may I suggest that he invest it in Scarborough hospital, rather than providing us with a polyclinic that neither the GPs nor the patients want?

Will the Minister clarify the situation when he winds up the debate? We were told that there would be a single unit in the middle of the old town in Scarborough, but only yesterday there was a report in the *Scarborough Evening News* of a meeting held on Saturday about the new super-surgery, at which the head of commissioning, Jane Marshall, said that

"the plans would likely encompass services in a number of locations rather than an all-under-one-roof service."

The Secretary of State was talking about clinics in one place. How will he deliver on the improvements that he claims he can, if services are provided in a number of locations? Will all those locations be open from 8 am to 8 pm, seven days a week, or is the local primary care trust, realising that what is proposed is not wanted, trying to come up with imaginative and innovative ways to spend the money?

The polyclinic in Scarborough is not wanted by patients or GPs. If the Minister has the money to invest in the health service in Scarborough, there are a number of areas, including dentistry, Whitby hospital and Scarborough

Deputy Speaker: Order. In order to be fair to the hon. Members who are seeking to take part in the e, I am making the time limit nine minutes. That d, I hope, meet everyone's needs.

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ne Jones (Birmingham, Selly Oak) (Lab): The e has shown that needs differ throughout the ry. I cannot understand why the Government are anding by their rhetoric that all change should be led. It is quite clear that change is not locally led, in the sense that there is a lot of anticipatory liance in the modern NHS.

en I started receiving communications from my GPs and constituents about the new provision, they felt threatened their existing surgeries, I diately contacted the PCT to find out what it was out. On the surface, providing additional services d an excellent idea, so I got hold of the PCT about the proposal. As I mentioned in my ention on the Secretary of State, it is quite clear he PCT is not leading the proposals. Indeed, when d the PCT whether the proposal was one that it chose to spend the additional resources on, in to improve health inequalities in south Birmingham, clear that it was not.

do not have an easily identifiable gap in services. PCT proposes to locate the new 8 am to 8 pm centre in the Selly Oak part of my constituency, o reasons. First, it is on a main road. Secondly, se of the short time scale—the PCT has to have ntre up and running by 1 April 2009, a date that it me was non-negotiable—the PCT is scrabbling d trying to find suitable accommodation and will o choose a location where it has existing buildings. s the reason for the one location. The need for a ular building is also the reason for the other on, in another part of my constituency.

the Bristol road in Selly Oak, where the health is proposed, there is a new £2 million investment e of the local GP practices, which is set to double P list—it is expecting to take on an additional patients. The development has been five years in aking, with full support from the PCT, and will de services in addition to GP services. This GP ached me many years ago; he was concerned the lack of services to combat osteoporosis, which mon in women, and he remains concerned about lth prevention and equality of access to services.

King's Heath, the currently favoured location for P-led practice, a new health centre has just opened, ding full GP and other services and an associated harmacy. The location of the proposed new practice r at least three other GP practices. I know that vell, because it is where I live.

rman Lamb: Is not the approach that the hon. is describing precisely what ends up demoralising health workers and clinicians so much, because all ings they see developing end up getting undermined

Lynne Jones: That is absolutely right. Obviously, the PCT would not earn brownie points if it failed to go along with these proposals.

When I heard about these proposals, I immediately thought, "Why should these new services threaten existing services?", but it is quite clear that the health centre is expected to take on 6,000 patients, as is the GP-led centre. Yes, they will also take people who are not registered and there is certainly a need for the proposed services, but the GPs say they would be delighted to provide those services if only there were an opportunity for them to expand existing provision. It seems, however, that the rules say that the premises have to be completely new, so they are not in accordance with the idea of expanding existing GP provision.

When I started to investigate these issues I was worried, so I went back to the Darzi interim report and tried to find the logic behind these proposals. I found that Darzi had noted that life expectancy was lower in areas where there were fewer GPs per head of population. That may well be the case, but I am not sure that the conclusion follows—that the way to deal with the problem is to develop 150 GP-led centres and to provide new GP practices in areas where there are health inequalities. It is not exactly logical to deduce that that is the way to deal with the problem. I read the report, but I could not understand the thinking that led Lord Darzi to decide that this was the solution to under-doctoring. I certainly could not understand why he should view it as a blueprint to be applied across all PCTs. The under-doctoring in my constituency, for example, is not particularly great and it is spread out—there is no single location where there is a problem.

It seems to me that the Government should stop portraying the debate over these issues in terms of the BMA and the Tory party being opposed to genuine locally led improvements in service. That is not the case. Two of the GPs who contacted me about this issue are members of the Labour party and they are actively interested in improving services to their patients and reducing inequalities. One made a submission to the Select Committee on Health and is active in the Socialist Health Association. These are not people who naturally look to the Conservative party to champion their cause. They are very worried—and their worries were confirmed by a conversation I had with the lead officer at the PCT—that this is just an excuse to bring in the private sector and provide competition, which is seen as the way to make GPs buck up their ideas and improve their services. I do not think that the GPs in my area need that kind of competition. They want improvements in service. They put in bids to expand their practices. They are outraged because they were told a year or two ago that they should cease providing Saturday morning services and are now being told that that is what they must provide.

Mr. John Leech (Manchester, Withington) (LD): Does the hon. Lady agree that there is already competition among GPs? If people do not like their local GP, there are usually plenty of others in the area to choose from.

Lynne Jones: Yes. A couple of my constituents recently changed practice. One of them has mental health problems and, having talked to the new GP, felt that he was more

patients when they want to find out whether it would be a good idea to move to their practice. That is already possible.

Many GPs would like to provide the proposed services, but they say that there is no level playing field. The new provision is being procured through the standard procedure, which gives large alternative provider medical services an administrative advantage. Those services are bidding for other contracts and are set up for that kind of work, which is not the case for GPs. Some GPs who have expressed an interest in bidding for the services were given 24 hours' notice of a bidder event day. Most of those who have looked into the possibility of tendering do not believe that they are in a position to do so. It would divert their attention from what they should be doing, which is providing high-quality services for their patients.

I ask the Government to look seriously at the criticisms made today, particularly by Labour Members. We believe that the Government have much to be proud of in terms of developments in the health service. There is no doubt that health services have improved dramatically since 1997. We have 5,000 more GPs, and GPs now have more time to spend with their patients. However, the Government should not simply dismiss the concerns of GPs because they think that they are being oppositionist for opposition's sake. There are many good reasons why the BMA in general and GPs in my constituency are concerned about the proposals. They believe that they will destabilise existing services. How will a practice that is expanding, taking on an additional 4,000 patients, continue when there is going to be a new health centre over the road, potentially taking on 6,000 patients? It will have to take on additional patients if it is to continue to receive funding beyond the five-year allocation. In the end, the money will be allocated to the general pot and there will be no specific allocation for the proposed services.

I urge my hon. Friend—

Mr. Deputy Speaker: Order.

5.48 pm

Mrs. Maria Miller (Basingstoke) (Con): We are two hours into the debate and we have yet to hear anyone speak in support of the Government's policies on polyclinics. I am sure that the Whips are going around trying to find someone who will speak up in favour of what the Government are talking about.

It is a particular pleasure to follow the hon. Member for Birmingham, Selly Oak (Lynne Jones). I could not agree more that all the change in health care should be locally led. I am sure that the Minister will have paid close attention to the right hon. Member for Holborn and St. Pancras (Frank Dobson) who, after all, was the Government's first Health Secretary and talks a great deal of common sense on these matters.

There is nothing more important than primary health care because it is the primary interface that patients have with the health care service. That is particularly so for older residents and the very young in our communities. GP surgeries are often the last community-based service that is available not just in villages but in the suburbs. It is a service that gives people access to the NHS at the heart of their communities, close to their homes, and its future should be driven and shaped by those communities

great play of that recently when he visited the constituency next to mine, just outside Basingstoke, to talk about the future of polyclinics or GP-led health centres.

The problem we face in my constituency is that the Government have great house building targets for Basingstoke—with which many local people, including me, do not agree—that are not matched by a similar expansion of local surgeries, including GPs' surgeries. About 1,000 houses a year are being built, there has been a 13 per cent. increase in the number of babies born in our local hospital, and the fastest-growing group of people in my constituency are those aged 65 and over: the pensioners of north Hampshire. However, we are seeing a real lack of support for the development of those important primary health care services in my community.

Let me give three examples. Merton Rise is a family development north of Basingstoke. The plan was to have a GP's surgery at the heart of it, but that has been axed. Rooksdown, in the neighbouring constituency of North-East Hampshire, is also a family-based community. For four years, a portakabin has delivered important GP services to families who have produced not just one or two but as many as three babies while they have been living in that community. In the ward of South Ham, 25 per cent. of residents are over 65, and the largest number of 70-year-olds in the borough live there; however, its 1960s GP's surgery is bursting at the seams and long overdue for replacement.

Although it is clear that Basingstoke greatly needs investment in primary care, no money has been forthcoming. However, the town has been identified as the favoured location in Hampshire for a town-centre polyclinic. Our PCT has told us that we must have one—we know that it has little choice in the matter—and it will be a significant distance from the communities that I have described. Moreover, the main rationale for the polyclinic is that Basingstoke is a commuter town. Polyclinics may have a role to play in urban and metropolitan areas, but they do not meet the urgent and pressing needs of families and elderly people in the outlying suburbs of Basingstoke. There is a need for basic GP provision, not a centrally dictated solution to a problem that is not the first priority for local residents. It seems perverse to spend money on increased access for commuters rather than mothers with young babies and the over-70s.

Basingstoke's town centre already has plenty of GP provision, for historical reasons. We have a newly located GP's surgery, offering an extended range of services, right next door to our station. However, I understand that the present rules will not allow it to bid for a polyclinic, so there is a possibility of duplication where we really do not need it.

The Government have put great emphasis on new funding, but it is not altogether clear that the message has reached the PCT in Hampshire. The matter was discussed in some detail at a PCT board meeting in March. According to the board papers, the chairman of the PCT patient and public involvement forum asked whether any services would have to be cut

"to enable this requirement to progress"

that is, the requirement for a GP-led health centre. The PCT responded that the priorities would need to be "reassessed", which does not sound to me like a guarantee

cuts in health care services in the Hampshire Perhaps the Minister will clarify that when he up the debate.

Graham Stuart: If patients can register with an ively laid-out new centre, they will take their away from the GP's surgery—perhaps in the yside, in an area such as the East Riding of ire—with which they are currently registered. ould undermine the funding of the surgery, and the closure of GP services in areas such as Leven eford in my constituency.

Miller: That is an excellent point. My constituency ntains rural areas. I have already received letters reas north of Basingstoke such as Bramley, where ared that the viability of providing GP services undermined. It is not, however, just a question of My main worry is that Hampshire PCT's attention diverted from resolving Basingstoke's genuine y care needs. The PCT has just undergone an ous reorganisation, and is now the largest in the y. It is clear that it has been struggling to deal ecific local problems, including the delivery of y care in Basingstoke.

ing Health questions earlier today, the Secretary e said that the Government had no intention of ng existing services, but by definition money will erted—whether it comes from the Secretary of r the PCT—from solving the problems in existing s and ensuring that they can meet the needs of esidents. We must look after the elderly and s, those who need support the most, before turning ention to other priorities that the Government ave—priorities that may be absolutely right for olitan and urban areas such as London, but do t the mark when it comes to our problems in stoke.

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Howard Stoate (Dartford) (Lab): There is something bout this debate. I am the only practising GP left House of Commons, and apparently I am the ne with a good word to say about polyclinics. I ly believe that they will give patients access to s that currently require some to travel many and to which many others simply do not have te access.

y view, Ministers have given sufficient reassurance ost of the new services will be in addition to the g ones. GPs will be able to work on a hub and model, retaining their own practices if that is uits the locality, or to locate their practices in nics, maintaining the integrity of those practices having access to all the extra services that are tly not so accessible.

idea of polyclinics is not new. A recent King's paper on the subject refers to the Dawson report 20, which set out a vision of primary health that would focus on "curative and preventative ne" and would provide an opportunity for GPs, nursing professionals, visiting consultants and specialists to work alongside one another. That model is exactly the same as the polyclinic model of today.

The King's Fund paper suggests that one of the reasons the concept has not made much headway since then is the

"singular lack of enthusiasm from the medical profession and in particular its BMA representatives".

The National Health Service Act 1946 allowed health centres along the lines proposed by Dawson to be set up but did not make their adoption mandatory, despite Bevan's enthusiasm for the idea, owing largely to opposition from the professionals. Their opposition stemmed from

"the BMA's hostility to any proposal which appeared to turn GPs into public servants".

Unsurprisingly, therefore, by 1963 only 18 purpose-built health centres were in place.

Vested professional interests were also partly to blame for the failure of the East German polyclinic model to survive reunification. In 2005, an article in the *British Medical Journal* by German academics explained:

"State owned policlinics were one component of primary health care in former East Germany, housing general and specialist doctors and dentists. This integrated model was efficient and cost saving: facilities and laboratories were shared, alternative treatment and prevention strategies were coordinated, and referrals to specialists were well monitored, as well as each patient's case. Policlinics did not conform to the West German concept of independently contracted doctors paid on the basis of an item of service, so they did not survive in East Germany after 1995."

However, five years later, in 2000, the polyclinic model was back on the agenda in Germany, having been reinstigated by German policy makers in a bid to

"increase cooperation between general doctors, specialists, and hospitals; to improve communication between institutions; and to reduce healthcare costs."

That illustrates that we need to be extremely wary about the opposition to the current polyclinics proposals expressed by professional trade unions such as the BMA. The BMA says that it is not opposed to the polyclinics model per se, but that they need to be introduced gradually over time and not be imposed centrally, and that proper regard must be paid to the specific character of each local health economy. That is a perfectly sensible position to adopt, except that the BMA has been saying exactly that from 1920 onwards.

As long as the polyclinic model remains an aspiration rather than a specific policy objective, the chances are that we will never see them in place across the country. As one speaker said last week at a meeting on polyclinics of the all-party group on pharmacy that I chaired, the irony is that the polyclinic model now being proposed has in fact existed for years in one branch of associated health care at least: veterinary care. In that field, large, one-stop, city centre clinics, comprising both generalists and specialists, and with impressive on-site diagnostic and treatment facilities, have been in place for years and have worked very well. It is a pity that the owners of the animals that are benefiting from that kind of one-stop, integrated care are still waiting for something similar to materialise in the NHS.

Other health care systems around the world have, of course, been using the polyclinic model for years. The polyclinic proposal is far from being the untried, untested, experimental model of care that many in the media have claimed. As the NHS Confederation has stated:

"The principles behind the idea of polyclinics are in line with the way in which healthcare is developing across the world. The design rules that underlie the idea of polyclinics appear to be fairly uncontroversial."

The case in favour of polyclinics is, in fact, unarguable. They provide an unrivalled opportunity to create larger groupings of primary care professionals, and to create a critical mass that will allow an enhanced range of services to be provided. They exploit economies of scale to provide greatly extended diagnostic support with rapid access and turnaround, and a range of other services that are difficult to offer in smaller practices. They reduce the need for patients to travel to hospital by relocating high volume work that does not require hospital infrastructure. They will integrate services to break down the traditional barrier between primary and secondary care and provide opportunities for specialists to work alongside their colleagues in primary care. They will also create space for other services, including community health services and other related health, social care, leisure, housing and benefits services that patients, professionals and the community will value.

There is, of course, a range of issues around how, where and why polyclinics are to be implemented, but none of the concerns that have been expressed is insuperable. The idea that they will inevitably undermine the direct relationship between a GP and their patient, for instance, is wide of the mark. The Berlin polyclinic, Polikum, uses a web-based scheduling system to ensure that patients who want to see their own primary care doctor can do so. They may only be able to see their GP during certain periods of the week, but that is no different from how the current system works. As now, patients have to weigh up whether a familiar face is more important to them than speed of access.

Nor is it necessarily true that patients will have to travel further to see a GP. The hub and spoke model suggested in the Healthcare for London plans offers the potential to preserve local access while at the same time providing a community health care hub that offers a broad range of diagnostic and treatment services. In Liverpool, for example, the local PCT has set up a network of neighbourhood health centres and NHS treatment centres. Under that system, no patient is more than 15 minutes' walking time from GP services while there has been a corresponding shift of services out of hospitals and into the community closer to where people live.

I suggest that the real issue is not whether the principle behind the polyclinics is the right one—I do not know of any serious commentator who fundamentally disagrees with them—but relates to their implementation, about which legitimate fears have been expressed. For example, the risk is that they could end up duplicating existing services provided in the community, and therefore waste money by creating overcapacity. If, however, their implementation is properly planned and managed and due regard is paid to current services, there is good evidence to suggest that they will help us make more efficient use of existing resources. Well-organised and integrated systems improve cost-effectiveness, reduce follow-up appointments and duplicated tests and improve the quality of care. The Kaiser Permanente model in the US shows us how this can be done, and provided that the polyclinic service contract is properly set and monitored, there is no reason to think that the advent of new providers will impact negatively on the quality of care offered to patients. After all, GPs are, and have always been, independent, for-profit contractors operating within the NHS. Those are the rules GPs elected to play by when the NHS was set up. With proper debate and consultation and due care taken in the commissioning process, there is every reason to think that polyclinics can lead to substantial benefits in terms of the quality of care offered to patients.

6.5 pm

Dr. Richard Taylor (Wyre Forest) (Ind): May I begin by declaring that I am a member of the British Medical Association and a fellow of the Royal College of Physicians? I am not speaking in order to give any official message from either of those organisations, however; I am speaking entirely on my own behalf, and on behalf of my constituents, local GPs and NHS professionals who have spoken to me.

The debate has produced a huge benefit already, in that we should all now know what we mean by a polyclinic and a GP-led health centre. To me, a polyclinic is a body that brings together GP services, investigative services, probably hospital consultant clinics and probably a headquarters for community services, as well as dental services. That could be perfectly satisfactory in certain areas, particularly in big cities, although I note what the hon. Member for Birmingham, Selly Oak (Lynne Jones) said about her part of Birmingham.

As for GP-led health centres, the Secretary of State has made it absolutely clear that they need only have three characteristics: they have to be accessible, to be open from 8 am to 8 pm 365 days a year, and to be able to accommodate drop-in patients and registered patients.

I am grateful to the Minister for his reply to my parliamentary question of 21 May, which he kindly answered in the nick of time just yesterday. I asked

"whether the decision to have a polyclinic in a primary care trust area is a decision to be made locally."

If I may, I want to take his answer apart, and agree with certain bits and ask further questions.

The first sentence of the answer is as follows:

"How primary care trusts…choose to configure or commission local primary medical care services is a local matter."

That is absolutely right; it certainly should be. I agree with that.

The second sentence of the answer is:

"However, all PCTs have been asked to commission additional general practitioner (GP)-led health centre services and have been given additional funding to secure those services."

The key word there is "additional". I met the chair and chief executive of my own PCT yesterday, and in their paper about their plans for future health services in Worcestershire they state that the Department of Health requires every PCT to establish a

"new GP-led Health Centre".

To my mind, the difference between "new" and "additional" is vital, and I will return to it. I am a little confused about the reference to extra funding: is it really new additional funding, or is it part of the growth money already announced and passed to PCTs?

Richard Taylor]

he final sentence of the Minister's answer to my tion is crucial:

CTs will decide after local consultation where and how these es should be provided and will carry out an open and fair rement to secure the services they specify."

ding "where and how" is crucial. If extra hours and capacity are needed, some of the existing health res around the country—this is certainly the case in area—are closed from 6.30 pm and throughout weekend, so spare capacity exists that could be

Worcestershire, the GP-led health centre is likely e in Worcester, the largest town. If only the money uch services were given to the PCTs without strings ened, it might be feasible in Worcestershire to put in e three of these health centres—one in each major . That would spread the benefit of 8 am to 8 pm ning and the benefit of such centres being open for entire weekend across the county, but, as it stands, those who are near enough in the city of Worcester benefit. Such an arrangement would almost certainly way with the need for new premises, because that ing spare capacity could be used. That would lessen worry about continuity of care, and about the lack ocal knowledge and of previous knowledge about ents, and it could even mean a rotation between rent practices within a given area. Such an arrangement ld be ideal. I am asking the Government to get from insisting that these must be new services, use they could be additional services in areas where e is the capacity to provide it.

everal right hon. and hon. Members have mentioned ries about the back door into commercialisation, I share that fear. The last part of the answer to my ten question stated:

PCTs…will carry out an open and fair procurement to secure rvices they specify."—[*Official Report*, 16 June 2008; Vol. 477, 8W.]

really is open and fair, and if account is taken of ack of need to build new premises if spare capacity xisting health centres is used, existing practices d probably compete on a fair basis with the huge mercial organisations that are gearing up to compete he provision of such services.

he fears of commercialisation have been rehearsed Labour Members, and, in the interests of speed, I not go into them. I just want to remind the House t the need for local consultation and for accountability ocal people. I went to a lunchtime launch of the l Government Association health commission's final rt on accountability, the executive summary of ch said:

More recently, there has been a conscious effort to devolve ion-making, giving greater autonomy to NHS providers and g a smaller number of national standards to sit alongside that are locally agreed."

t is how we should decide on GP-led health centres, re they will be and what they will provide. I am vinced that GPs in their existing practices in the th centres could provide accessible 8 am to 8 pm, days a year, drop-in and registrable services.

here are alarms about commercialisation, and I to request a meeting with the Minister to rehearse received about how some of the commercial organisations function and to share with him two crucial letters in the medical press that sound warnings about commercialisation from the United States. I also wish to share the sensible points made by the organisation that is completely divorced from the BMA and is thoroughly rooted in the interests of patients: Keep our NHS public. I humbly request such a meeting.

6.14 pm

Mr. Neil Turner (Wigan) (Lab): One of the most disappointing things about this debate and the motion is that they are focused entirely on the providers and not on where they should be focused—on the patients. That says an awful lot about the stance of the Conservative party.

The hon. Member for Basingstoke (Mrs. Miller) said that nobody had spoken in favour of polyclinics, although my hon. Friend the Member for Dartford (Dr. Stoate) just did so. One of the reasons why that has been the case is that nobody has a health centre in their constituency. Interestingly, the hon. Member for North Norfolk (Norman Lamb) was calling for pilot schemes. I can tell him that we have quite a number of pilot schemes. In fact, he referred to some of them, in the sense that 12 areas have health centres, and Wigan is one of them. Indeed, Wigan was one of the first boroughs to have a local improvement finance trust—LIFT—centre. Parts of the borough have some of the worst health statistics in the north-west and, thus, in the whole country. It is also one of the most under-doctored areas in the country.

The King's Fund, which was cited by the hon. Member for North Norfolk, has made a number of comments about health centres. I do not recognise those comments in respect of how we run the health centres and our LIFT programme in Wigan. For instance, it mentioned poor management, but each of our six health centres has a manager in charge to ensure that the organisation within, and between, the services provided is properly carried out. The King's Fund also mentioned a lack of innovation, but Wigan has a new and important innovation—our "Find and Treat" approach, whereby local GPs, through the health centres, go into the community seeking people who are particularly vulnerable to strokes and cardiac problems and try to bring them into the health centres for treatment. Rather than waiting for people to come once they have had their stroke or heart attack, when it is often too late, GPs are going out to ensure that we can treat them before that happens.

Mr. Graham Stuart: Most of the speeches that I have heard today did not attack polyclinics per se and did not say that they cannot contribute to local health needs. The main issue taken up by those opposing the Government plan is that polyclinics are to be imposed from the centre on every area, even when there would be better ways of spending the money. The hon. Member for Wyre Forest (Dr. Taylor) talked very well about how the money could be used creatively, using existing assets to deliver much more benefit for patients.

Mr. Turner: I disagree with that analysis, because I do not think that is true. I think that health centres and

services and better outcomes for the patients. Our health centres in Wigan are doing that. They have the strong support of my three colleagues who also represent the borough—my right hon. Friends the Members for Makerfield (Mr. McCartney) and for Leigh (Andy Burnham), and my hon. Friend the Member for Worsley (Barbara Keeley). They all support the health clinics and the extension of the health clinic principle throughout the borough. Our six centres are all large, modern, adaptable buildings. The primary care trust arranges the sub-leases and each local health centre provides a massive range of services. Fundamental to that is a GP practice—or in several cases, a number of GP practices, all of which are local and none of which is provided by Virgin or any of the other organisations that have been mentioned. They are all local GPs who have voluntarily gone into those health centres to ensure that they can provide a better service from a better facility.

Most of the centres also have a pharmacy, and the centres provide an enormous range of services. We are talking about child care, audiology, district nurses, community mental health, out-of-hours nurses, family planning advice, diabetic retinopathy—I am sure that my hon. Friend the Member for Dartford knows what that means—integrated therapy for children with special needs, minor surgery units, podiatry, physiotherapy, speech and language therapy, and older people's services. That list goes on and on, and many of those services are provided in most of the clinics.

I want to give a couple of examples of what is done in one or two of the health centres, particularly the Platt Bridge health centre, which is in the Makerfield constituency. It covers a former mining community with immense health and social problems, and severe deprivation—it is in the 3 per cent. most deprived super output areas in the country. The health centre is marked out not because of the services it provides, although those are excellent—they include a hydrotherapy service—but because of the way in which my right hon. Friend the Member for Makerfield managed to get the primary care trust and the local authority to work together so that this is not just a health centre. It is in a huge complex that includes a school, library and community centre, all of which work together to provide a major centre for that deprived community, which has been given a belief in itself and confidence in its future. That would not have been provided unless the LIFT programme had provided the PCT with the catalyst for that centre.

In Wigan, we have Boston House, named after Billy Boston, who was probably the greatest rugby league winger ever—as I am sure the hon. Member for Leeds, North-West (Greg Mulholland) will agree. It has a GP facility and a pharmacy, and provides nurse training provision, health education, podiatry and audiology. It has a 19-bed physiotherapy unit, but what sets Boston House apart from all the others—and is especially important for the people of Wigan—is the fact that it has an 18-bed renal dialysis unit. People from Wigan who needed dialysis used to have to travel to Salford or Bolton, which took a full day. That was disruptive and in some cases distressing for the patients and their families. Now, they can have dialysis in Wigan, and that is much less disruptive. I have talked to the patients involved and I know that it has massively improved

Greg Mulholland: If the hon. Gentleman wants to improve his health, it is not too late to register to play in the rugby league match a week on Saturday.

The hon. Gentleman describes a facility that is clearly popular and works. Does he agree that that might work in Wigan, but is not necessarily the answer in Leeds, North-West or other areas? The imposition by the Government is the heart of the problem.

Mr. Turner: One of the problems with this debate is that so many people say that it might not be the answer in their area, but not one of the hon. Members who has said that has had experience of it working in their constituencies. If hon. Members want to see how it works, I invite them to come to Wigan and talk to the people who provide the services in those health centres and, especially, to the patients, to see whether they like the centres. Instead of going along with the BMA's claims, hon. Members should come and see the reality on the ground. Then they might change their minds. The first three health centres in Wigan were not built in my constituency, and I knocked on the door of my PCT to ask when it would get one. Now it has.

We have two other health centres in Wigan. The Sherwood Drive health centre has GPs and provides minor surgery services, a pharmacy and, after a recent extension, a dental practice. The Beech Hill health centre, which is my local one, is a GP centre with a pharmacy attached, and it provides numerous other services.

Boston House health centre was provided by the LIFT programme, the Sherwood Drive health centre was provided by a private sector company, which has since sold it to the PCT, and the Beech Hill health centre was one of the very earliest health centres, built in the 1960s, and the GP practice has now moved into a modern centre. So there are many ways to provide those services. It is not a question of one size fits all.

We will not rest on what we have done, excellent though that is. We welcome the extra funding for the health centres and we hope to have more such centres in the future. For example, one will complement the walk-in centre in Leigh, a second will be based in Ashton and a third in the Whelley/Scholes area in my constituency. The PCT has plans for three further primary care centres, plus one GP-led health centre in Wigan town centre, which will provide the services that the Secretary of State described earlier. In addition, it will provide services for homeless people, which are important.

Dr. John Pugh (Southport) (LD): The hon. Gentleman has said much about the new facilities. Can he tell us something about the effects they are having on his local hospitals?

Mr. Turner: Because we have been so under-doctored, and GPs surgeries have been poor in the past, people have used accident and emergency at the hospital instead. Wigan A and E is a major trauma centre—it is next-door to the motorway—and has a high-dependency unit and an intensive care unit. Using doctors trained to provide those services for what is, in essence, primary care had a deleterious effect. The health centres, with their longer opening hours and wider range of services, have a beneficial effect. We need more such health centres, because we want to shift the NHS from being an organisation that treats ill health to one that intervenes

ony Wright (Cannock Chase) (Lab): I wished to
nly because I have been genuinely shocked by
of the campaign that has been waged on this
erhaps I am too easily shocked, but there has
dishonesty in some of the campaigning that has
much anxiety and even illness in some people. I
elderly lady phone my office this week, and she
t when she had gone to her GP surgery she had
ld that it would close. I checked with the PCT
old me that the surgery had plans to expand. It
m clever to campaign in that way, but for people
im to be concerned with the health of others, it
g a serious and damaging effect.

worth remembering that we have been here
when it comes to the NHS and the BMA. When
S Act 1946 received Royal Assent, the chairman
MA commented:

Act is part of the nationalisation programme which is
adily pursued by the Government."

21 of that Act stated:

all be the duty of every local health authority to provide,
nd maintain to the satisfaction of the Ministry, premises
all be called 'Health Centres'".

MA said that health centres would be introduced
dead body and, indeed, 10 years after the NHS
ablished, there were only 10 health centres in this
That was because the GPs, represented by the
would not have them. It has taken us a long time
se that having a network of well equipped and
ional health centres will have an immeasurably
ial effect on the health of the population.

n I was elected to Parliament in 1992, the report
e director of public health in Staffordshire said
constituency, a former mining area, had the
ealth, the greatest number of single-handed GPs
highest incidence of secondary referrals from
hospitals—usually an indicator of insecure medical
—in the area. It was essential that that situation
sformed, and I can report that in many respects
een. Because of investment, we now have a raft
e-of-the-art health centres across the district.
would now claim that such developments are
eficial to the health of the population. The idea
ybody could have resisted the development of
centres sounds so ludicrous now, and it will seem
us in the future that anybody could resist the
oment of the next stage in health care, which is
e are talking about now.

a great admirer of the primary care system of
nal family doctors, but unfortunately it has to
that it has been very difficult over the years to
ne necessary reforms of that system. To compress
history, I was alarmed for many years that there
proper system for the clinical audit of general
oners. It took the horrors of Shipman to produce
stem. We have to be realistic and say that it has
nuscle from the centre and often deeply disturbing
to get the general practice system to reform in
s that it should.

s interested to hear the comments made by the
lember for Wyre Forest (Dr. Taylor). I greatly

might have, with extended services, the need for these proposals would never have arisen. However, that is not what has happened. The system has resisted all proposals to extend. We need only think of the arguments that we have had just to get a modest increment in evening or Saturday morning provision, which was standard when I was growing up—it was quite normal to have evening surgeries or Saturday morning surgeries. We have now had to pay the doctors more to return to a system that we once had.

It is bewildering that we cannot understand that it is possible to extend GP provision in a way that will genuinely extend choice and access for patients. We think about patient groups, and when my children were small we would have been heavy users of a super-surgery in our area. All we had, when children were inconvenient enough to get ill out of doctors' surgery times, was the prospect of a visit from an out-of-hours person who knew nothing about us and had no diagnostic back-up of any kind, or of taking the children down the local accident and emergency, which was probably inappropriate. The idea of having an intermediate centre for such situations, just so that tests could be done and people could be checked over, seems a genuine extension of patient choice.

Norman Lamb: I am sure that the hon. Gentleman would agree that we should be developing policy that is based on evidence. Does he not think that we should have serious concerns about the range of points made by the King's Fund and others? They show that the polyclinics and health centres already established under the LIFT scheme and the experience from abroad suggest that some of the conclusions that he wants to see are not happening.

Dr. Wright: I am grateful for that intervention, as it gives me the opportunity to make my final point, which is about what happens if we cut through some of the nonsense and look at what is being proposed.

As I mentioned in my intervention earlier, I had a very interesting document from the BMA, which was sent out to all GPs and local medical committees in May—just last month. The document is called "New NHS Primary Care procurements", and it is described as a "factual guide". It is an example of the BMA talking sensibly to its own people, rather than getting all excited about a public campaign against things that some people do not like.

The factual guide includes a very nice table that sets out what it calls the "key differences" between health centres and polyclinics. Hon. Members can read it. It then goes on to describe the background to the policy, which is exactly the point that has been made. It talks about the Darzi review, and says that a central tenet of it

"has been the importance of determining primary healthcare services locally."

It goes on to state that the review sets

"out a rigorous process requiring any change to be transparent, clinically evidenced, locally led and for the benefit of patients."

When the BMA is talking for grown-ups, it tells the

The fact is that we have a proposal—it might not have been necessary if primary care services had reformed themselves in the way that they should have done over the years, but they have not—that will extend the range of services available to patients. That is a very good thing and it is dishonest to pretend otherwise.

6.34 pm

Shona McIsaac (Cleethorpes) (Lab): Like my hon. Friend the Member for Cannock Chase (Dr. Wright), I think that the BMA's "Save our Surgeries" campaign has been disingenuous. It has created unnecessary fear and worry that GP surgeries around the country are about to close. That is simply not the case.

I want to talk briefly about the example from north Lincolnshire. My right hon. Friend the Member for Scunthorpe (Mr. Morley) intervened earlier on this point. Parts of Scunthorpe are very deprived, and they also have few GPs, so there is a plan for a GP-led health centre in Scunthorpe. Doctors have been saying that because of that plan other GP surgeries are under threat, particularly in the rural parts of north Lincolnshire. North Lincolnshire MPs went to the primary care trusts to ask what that was all about, and they guaranteed that the money for the centre was additional and that there was no threat to any other GP practice in north Lincolnshire. In fact, they wanted to invest more money in those other practices. People will still have access to their GP, and it is wrong to tell those people that their GP surgeries are about to close.

Mr. Graham Stuart: If the hon. Lady has been following the debate, she will have heard that patients can register with the new centres. If they move their registration from their former rural practice to the new centre, the rural practice will lose that patient and the income and could therefore become non-viable. It is not true to say that this is pure additionality, and the hon. Lady should perhaps have picked up on that by now.

Shona McIsaac: I think that I regret allowing the hon. Gentleman to intervene. He has been talking about people's GPs, the services that they provide and how much people appreciate those services—but people will stay with their GP if that GP provides a service that they want. If they want something else, they can transfer, as they can now. They can transfer from one GP practice to another if they want additional services.

Earlier this year, I went out and consulted my constituents at random about what they wanted to see in primary care, what they wanted from their GP and what type of opening hours they wanted. I wanted to ask 150 people, but through a quirk I ended up with 151. When I asked whether they wanted GPs to open at more convenient times to meet their needs and their lifestyles, only one person opposed that, while 150 wanted access to GP services for more hours. As for evening appointments, 150 people wanted them and one person did not. There was not such strong support for weekend appointments, which were wanted by only 144 out of the 151.

People wanted that increased access, which is what the GP-led health centres and polyclinics in London will provide, for a wide variety of reasons. One reason was still the woman who had to do it. Generally speaking, she would have to take time off work, and the kids might also have to miss school. That was one reason why those women wanted early morning appointments or appointments later in the evening.

In the Cleethorpes constituency, there are still a number of single-handed GP practices. That was another factor in people wanting more access. For example, if women had an older male GP, they felt uneasy about seeing him about issues to do with sexual health and said that they would prefer a larger health centre so that they could have that choice and have access to the type of clinic that they would not necessarily get in a single or double-handed GP practice. Plenty of people are perfectly happy with that set-up, and no one is suggesting that it will change. However, in my area patients have demonstrated a desire for more than just those single-handed GP practices.

There are now health and medical centres in Cleethorpes and Immingham, just as there are in the area represented by my hon. Friend the Member for Wigan (Mr. Turner). The people who can access those health clinics really appreciate being able to use their services. Immingham is quite isolated from other urban areas in the constituency. The town's GPs came together and relocated to one building. Some people in the area had a bit of a pop, saying, "Oh my God, we've got fewer GP surgeries now." Technically that was true, but only because the GPs had all moved out of dilapidated premises and into a brand-new purpose-built primary care centre, where people can use a variety of services. My hon. Friend gave a list of the services, so I will not go through the complete list again. People can have their blood tests and X-rays done there, which means that they do not have to travel to the hospital in Grimsby, which is not easy to do from Immingham.

The British Medical Association was therefore wrong to say that such health centres will always mean that people will have to travel further. That is rubbish; my constituents do not have to travel, because services are being provided on their doorstep. Recently, another GP-led health centre—the Beacon medical centre—opened in Cleethorpes constituency, and the people being treated there think that the wide range of services is excellent.

The Opposition are completely out of touch with the public mood on this issue. We are no longer in the days of Dr. Finlay and his sidekick, moody grumpy Dr. Cameron—perhaps it is the name that makes the Conservatives so keen on their old-fashioned ideas. Those days are long gone. People's lifestyles are pressured. They have many demands on their time, and we have to make sure that primary care evolves and adjusts to meet their needs. If we do that, the NHS will be around for another 60 years after celebrating its 60th year next month.

6.42 pm

Mark Simmonds (Boston and Skegness) (Con): The motion is all about patients and the provision of health care for the maximum benefit of patient outcomes. This debate has been very revealing, in that the only speakers

Mark Simmonds]

The debate was opened by the shadow Secretary of tate for Health, my hon. Friend the Member for South ambridgeshire (Mr. Lansley), who gave a timely and evastating critique, mentioning the potential serious oblem and the detrimental impact on patient care. He s right to highlight the problems of potential closures, e potential increase in travel distances, and the danger the fundamental GP-patient relationship. In direct ntradiction of what the hon. Member for Cleethorpes ona McIsaac) said, he mentioned the dynamic, strong lings that patients and GPs have on the issue. He also hlighted the funding uncertainties: where will the ney to support the policy come from? Even more ortantly, he mentioned the fundamental lack of dence to support the Government's policy, in relation uality, access and service.

e then heard the Secretary of State's response. He is lly highly polished and has a Teflon quality to him, today he was clearly slightly over-excited, rattled very confused. I suspect that he does not really to have to defend the policy, because he knows t does not make sense, particularly in the context alised decision making—an idea that the Government pet—and clearly he was not enjoying himself. He o make a difference in definition between polyclinics GP health centres, but it was clear from other butions that they are the same. He quoted a on MORI poll in an attempt to support his policy, e only recent poll that matters in London is the al election, which was clearly won by Boris Johnson.

Secretary of State took an extraordinary, acteristic and slightly sarcastic sideswipe at the ember for Birmingham, Selly Oak (Lynne Jones), ade an extremely thoughtful and balanced ution. Like us and, I suspect, the Liberal Democrats, ying to argue for more devolved decision making the money is spent. The Secretary of State's e to her contribution was extraordinary. Tellingly, irmed that primary care trusts would not be to convert and expand existing practices, even if in patients' interests; there had to be a new c or GP-led health centre in every primary care d even more in London. He made a bizarre n Conservative party policy, which is to try to of improving primary care in socio-economically areas, so that we can reduce health inequalities ove things for those who do not have sufficient

ficant contribution was made by the hon. or North Norfolk (Norman Lamb), who rightly the necessity of local decision making. He tical point about the importance of continuity d about the danger that GPs' understanding al patients' medical histories could be eroded cy direction being taken. We next heard from on. Member for Holborn and St. Pancras son) who, let us not forget, is an ex-Secretary r Health. The current Secretary of State's there is uniformity of opinion in London nics are a good idea, but that view was to pieces by the right hon. Gentleman's . The right hon. Gentleman was right to e fact that the drivers [illegible] between GP

policy is not a response to patients' needs, to the NHS in London or to primary care trusts' desires elsewhere in the country.

My hon. Friend the Member for Scarborough and Whitby (Mr. Goodwill) made a significant contribution. He was right to challenge the idea that the proposals would be the best use of resources in his constituency. In a lucid, considered contribution, my hon. Friend the Member for Basingstoke (Mrs. Miller) highlighted concerns in her constituency. At the time of his speech, the hon. Member for Dartford (Dr. Stoate) was the only Member to have supported the Government line. He is clearly very knowledgeable about the health service as a result of his professional qualification and his career, so it is sad that he always rises to defend Government policy, irrespective of what it is. He does not, perhaps, use his expertise and knowledge to make constructive suggestions for the Government. The hon. Member for Wyre Forest (Dr. Taylor) made a telling contribution, as always. He made one particularly good point: the policy should not be about buildings, but about patient services and pathways. That is one of the fundamental errors in the direction of Government policy.

I will not allow Conservative Members to be painted into a corner and seen as the representatives of the British Medical Association. We are not its representatives; we are here to fight for patients and the improvement of patient services. We are not against polyclinics or GP-led health centres per se. In fact, when they are supported by patients, GPs and the local community, we will be supportive and will facilitate them and enable them to be introduced. However, the decision should be taken locally, and should be based on clinical evidence, and evidence on health inequalities and prevention measures. There should also be a comprehensive understanding of the impact on existing provision.

The House needs to understand that we are not talking about a minor tweak to primary care. The establishment of polyclinics and GP-led health centres will be the largest change to primary care since the establishment of the NHS. In many places, including the Secretary of State's constituency, it has been said that the change would act as a catalyst for the reconfiguration of local GP services. It should be for local primary care trusts and patients, not Ministers in the Department of Health, to make the decision.

Of course the Secretary of State is right that there are circumstances in which health centres of polyclinics would have a beneficial impact. He rightly gave the example of preventing multiple appointments and additional travel, particularly for the elderly and the vulnerable. We also recognise that there should be greater access to diagnostics and follow-up appointments, and it may be that such centres are the appropriate place to provide those services, but not everywhere, not uniformly, and particularly not in rural areas.

Very specific criteria were set down by Darzi that the polyclinics and GP-led centres would be both cheaper and more accessible, but some hon. Members' contributions have demonstrated that that is not the case. The Government need to answer some specific questions. They do not seem to understand that there is a direct correlation

GP presence all the time, from 8 am to 8 pm, seven days a week, 365 days a year? Why are there no pilots to produce evidence that the Department of Health can analyse?

The Secretary of State confirmed for the first time that, on average, there will be five GPs per centre outside London. That amounts to an additional 605 GPs. Where will those additional GPs come from, in the context that there were only six more last year, if they do not come from surgeries that are already in place? Why will Ministers not allow PCTs to invest instead, where appropriate, in community hospitals or other GP-led health centres—a point made by my hon. Friends the Members for Beverley and Holderness (Mr. Stuart) and for Scarborough and Whitby? Why will Ministers not allow additional facilities to operate in non-spearhead PCTs—for example, outreach services?

The policy is confusing. Lord Darzi said in his framework document that PCTs would not be allowed to reconfigure services until a PCT clinic review has taken place, giving evidence of the benefits. Where is the evidence—I hope that the Minister will explain this—to support the supposed benefits of a centrally prescriptive solution that is odds with locally determined reconfiguration? I suspect that the answer to those questions is that a one-size-fits-all proposal is not really about patient outcomes, but about political outcomes.

There is an inherent contradiction between devolving commissioning responsibilities to a PCT through practice-based commissioning, and proposing a centralised approach to service design, with plans for polyclinics or GP-led health centres in every PCT. The Opposition will not coerce doctors into polyclinics against their will. GP-led health centres should be able to offer additional services, such as physiotherapy and phlebotomy, but they can be provided in other facilities as well in the existing system. This is not just about new buildings. Under the next Conservative Government, primary care will be patient-centric, responsive to local communities and free to innovate, ultimately to drive better patient outcomes.

6.52 pm

The Minister of State, Department of Health (Mr. Ben Bradshaw): Our primary care system of family doctors has served this country very well and is the envy of the world, and the Government are investing record sums in it. Funding for GP services has increased from £3 billion in 1997-98 to £7.86 billion in 2006-07. There are 19 per cent. more GPs today than in 1997. Incidentally, there were 273 more, rather than the six more mentioned by the Conservative party, in 2006-07 alone. They are better rewarded than ever before. More doctors are in training to become GPs, and vacancy levels for jobs are the lowest for many years.

The new contract has also brought important benefits for patients: being able to see a GP within 48 hours or to book ahead, longer consultations and better outcomes. But in every recent survey of what the public would like improved in the health service, being able to see a GP at times that are more convenient for them comes top. That is part of the reason why in March we agreed with the BMA that surgeries offering opening in the evenings and weekends will be rewarded. I am pleased to tell the House that 2,000 practices have already done so in their areas either on a weekday evening or at weekends. We are confident that the rest of England will do so by the end of the year.

Even with more than half of GPs offering extended hours, there may still be some people whose GP, for whatever reason, does not wish to open in the evening or at weekends, and we think it only fair that those people, too, should have the possibility of getting to see a GP at more convenient times. That is why we announced last autumn an extra £250 million to enable the local NHS to establish a new GP-led health centre in every PCT in England and extra GP surgeries in the least well-served areas. That is additional money on top of, not instead of, the record sums already going into existing GP surgeries. No one will lose their current family doctor as a result.

In fact, one of the specific features of the new health centres is that people will be able to remain registered with their own doctors and see GPs in the new centres if they wish. The centres will be particularly welcome for people who work full time or commute, who currently find it hard to visit a GP, and they will also take pressure off accident and emergency departments, which deal with a lot of people who should see a GP. The only requirement we are placing on the centres is that they should be open seven days a week, 12 hours a day, and offer appointments and walk-in services.

The hon. Member for North Norfolk (Norman Lamb) criticised the Government for moving too fast and predicted that we would live to regret our extra investment in primary care services. I suspect that when his constituents begin to enjoy the extended opening hours of GPs in Norfolk and the new 12/7 GP health centre in Norwich, or wherever Norfolk PCT decides to locate it, he will regret his opposition to those improved new services. He quoted the King's Fund report, which was much more balanced than the impression he gave—but of course, it was an analysis of a policy that is not being proposed.

The hon. Member for Scarborough and Whitby (Mr. Goodwill), like a number of Conservative Members, said he was opposed to the new investment in his constituency. I am sure that other parts of North Yorkshire, such as York and Selby, might welcome it. His local PCT, as he well knows, will have assessed the needs of Scarborough and Whitby, and I understand that a public meeting in his constituency this week supported the proposals. He also said he was concerned about the provision of dental services. He might like to suggest that the PCT considers including extra dental services in the new centre. That is exactly what many PCTs up and down the country are doing. He asked whether the services need to be provided under one roof. No, they need not.

The hon. Member for Basingstoke (Mrs. Miller) also said that she opposed the extra investment, in spite of the very significant population growth in her area. I suggest to her that, as in North Yorkshire, there are plenty of people in Hampshire who would welcome that extra investment. It is also not the case, as she suggested, that the existing GPs whom she mentioned cannot bid to run the new health centre.

My hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) is due to get not only a new health

r. Ben Bradshaw]

not enjoy the same access as people in neighbouring stituencies in the Heart of Birmingham PCT, which reached 75 per cent. access for extended hours on alf of its patients. There is nothing whatsoever to the GP practice that she mentioned bidding for the health centre. It need not be a new building; it can n expanded existing building, and we have repeatedly le that clear.

make the same assurance to the hon. Member for re Forest (Dr. Taylor). The new services can be part an existing system, and there is nothing to stop rcestershire adopting the kind of model that he ours. If he wants to make that case to Worcestershire T, he is very welcome to do so. The current proposal or Worcester, but if he wants to persuade the PCT t his model is better, I wish him good luck. Of course, ould be very happy to meet him, as I always am.

My hon. Friend the Member for Dartford (Dr. Stoate) de a very strong case in support of the improvements t we are making to primary care, as did my hon. end the Member for Wigan (Mr. Turner). He well ows that he will get not only a new health centre but ee new GP practices in one of the most under-doctored as of the country. He also made an important point out the huge public health benefit of investment in mary care.

My hon. Friend the Member for Cannock Chase Wright) gave an example of some of the disgraceful l irresponsible scaremongering by the BMA and the nservatives that has caused unnecessary anxiety to ients, including his constituents. My hon. Friend the mber for Cleethorpes (Shona McIsaac) also welcomed new investment and improvement in services.

My right hon. Friend the Member for Holborn and Pancras (Frank Dobson) referred to a procurement t has nothing to do with the extra investment that we announcing but is an ongoing process of PCTs ocuring new GP services. His local PCT says that it is fectly happy to defend the way the procurement was ried out. If it is not happy with the provider's formance, it can terminate or not renew the contract. nderstand that the proposal for a new health centre his area involves housing it in a local hospital because t is an accessible point locally, unlike in some other rts of the country where hospitals are not necessarily accessible as other places.

It is not only patients who welcome the new services. na Waite, a Conservative councillor in Southend, d her local paper two weeks ago that

"is is a big step forward. A large surgery with easy access and in right location will be ideal. To be open seven days is fantastic."

Labour Members are delighted to have been given other opportunity to defend the Government's record the NHS and highlight the further improvements der way in primary care. We do not think it unreasonable, en the record sums going to GP practices, that people ould be able to see a GP in the evening and at ekends. We will not reverse those improvements or e a veto over health policy to the doctors' trade ion, the BMA. I recall a similar campaign by the nservatives this time last year against what they imed was a programme of hospital closures. That mpaign was humiliatingly abandoned when they were ced to admit that they had got their facts wrong. I

Question put, That the original words stand part of the Question:—

The House divided: Ayes 202, Noes 298.

Division No. 223] **[7 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg

Murrison, Dr. Andrew
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Younger-Ross, Richard

Tellers for the Ayes:
Alistair Burt and James Duddridge

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin

Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and
Mr. Sadiq Khan

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's support for primary care and proposals to invest £250 million in 113 new GP practices in the most deprived communities and 152 new state-of-the-art GP-led health centres open from 8 a.m. to 8 p.m., seven days a week, in every part of the country; notes that these centres will offer a wide range of health services including pre-bookable GP appointments and walk-in services for registered and non-registered patients; recognises that the exact format and location of each GP-led centre will be decided locally in consultation with patients; notes that GPs will not be forced to work in the new GP-led centres and where that is the case patients will still be able to remain registered with their GPs at their existing location and premises; acknowledges that the expansion of primary care is essential if the overall health of the population is to improve, and inequalities in health are to be addressed; and welcomes plans to ensure enhanced primary care services are capable of meeting the new challenges facing the NHS including tackling lifestyle diseases such as obesity and through more effective screening programmes for the general population.

Sentencing Policy

Mr. Deputy Speaker (Sir Michael Lord): We now move on to the debate about sentencing policy and the early release of offenders. I must tell the House that Mr. Speaker has selected the amendment standing in the name of the Prime Minister.

7.16 pm

Nick Herbert (Arundel and South Downs) (Con): I beg to move,

That this House is concerned that a failure to plan adequate prison capacity has led to the End of Custody Licence scheme and the early release of 26,000 prisoners; notes that the current rate of prisoner release is running ahead of initial projections so that an additional 5,000 prisoners will be released early in a full year; expresses grave concern that no decision on whether to suspend this scheme will be taken until 2009, at the earliest, when prison capacity reaches 86,000 due to the Government's delayed prison building programme; agrees with the Lord Chief Justice that early release schemes erode the sentences originally handed down; further notes the low levels of public confidence in community sentences; recognises the objections of local communities that prisoners released early on home detention curfew are being housed in over 150 residential areas, without consultation, under the Bail Accommodation and Support Service scheme managed by ClearSprings; further notes criticism of the Youth Justice Board for failing to meet targets on youth crime; further expresses concern over plans to link resources to sentencing through the creation of a Sentencing Commission; and calls upon the Government to introduce honesty in sentencing, cancel the End of Custody Licence scheme, suspend the Bail Accommodation and Support Service policy and take immediate steps to ensure adequate prison capacity in the interests of public safety.

This is the third debate that we have called in the House within a year on the early release of offenders. Since we debated the matter in July 2007, the situation has deteriorated. Last July, the prison population was more than 80,000; now, it is more than 83,000—an increase of almost 3,000, even after factoring in the early release scheme that started in June 2007. Last July, the Government had released 3,800 prisoners early; now, they have released 26,300 prisoners early. The prison estate is running at 99.8 per cent. of total capacity. In July, 86 prisons were overcrowded; now, 89 are. In July, 60,337 prisoners were in overcrowded jails; at the end of May this year, there were 63,176—another increase of 3,000. Almost one year has gone by, and that is what the Government have achieved.

Sentencing policy and the continuing early release of offenders is a cause of real public concern, yet we return to the issue this evening because the Government simply are not listening. That is why the debate has had to be called. We have repeatedly asked Ministers to explain how they are going to provide the necessary prison capacity to hold all those sentenced by the courts, but instead of action we have been presented with a litany of poor excuses. Ministers say that they have provided 20,000 new prison places, and I am sure that we will hear it said again this evening. They do not say that almost 17,000 prisoners are now doubling up in cells—twice as many as when Labour came to power; that those extra places have been provided by doing such doubling up; and that almost one quarter of the entire prison population are housed in cells that are designed for one

Chancellor, now the Prime Minister, they started the programme too late and it is already falling behind. Ministers say that they are tackling reoffending, but reconviction rates have increased. Even after the counting change, which Ministers are now so quick to fall back on, reoffending rates by ex-prisoners have risen since the Government came to power.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): *indicated dissent.*

Nick Herbert: The Secretary of State shakes his head, but in a letter on 27 November 2007, he confirmed to me that there was an increase in actual reoffending by ex-prisoners between 1997 and 2004. As the former chief inspector of prisons, Lord Ramsbotham, said this morning, reoffending rates are "embarrassing".

After more than a year, what has the new Ministry of Justice, dedicated to protecting the public and reducing reoffending, actually delivered? it has managed to release a record number of prisoners early on to our streets. We have now had 10 months to evaluate the end of custody licence scheme: a policy that has greatly damaged public confidence in the criminal justice system, that was described by the previous Lord Chancellor as "simply wrong"—a month before he introduced the scheme—and that was dubbed a "very temporary measure" by the former Prime Minister.

On Friday next week, on the anniversary of the end of custody licence, we expect that more than 28,000 prisoners will have been released early on to the streets in 11 months. The rate of release is running well ahead of initial projections. When the latest figures were published, I wrote to the Secretary of State to ask for an explanation. He replied by saying that the original estimate was quickly updated after the scheme started—in other words, the Government got it wrong in the beginning. He now admits that revised projections after the first week of the scheme led to a projected one-year total of 28,600 prisoners to be released early. But that revised—and, I assume, current—projection is still a gross underestimate. We have looked at the rate of releases, and we expect the total to be more like 31,000 in a year—5,000 more than Ministers cited when the scheme was launched.

When will this so-called temporary scheme end? The Justice Secretary will not say, or pretends not to know. In an interview with the Press Association earlier this month, he said:

> "If you ask me when it's going to come to an end, that depends on the availability of prison places and I'm afraid to say 'not yet' is the answer."

He has refused to say when the scheme might be suspended, but others in the Government have been rather more forthcoming. On 7 May, the Prime Minister said in the House:

> "When we have built up the number of prison places from the 60,000 that we inherited—now 80,000—to 82,000 and then 86,000, we will make our decisions on the right thing to do about early release."—[*Official Report*, 7 May 2008; Vol. 475, c. 696.]

So now we know: end of custody licence will not be suspended until many thousands more prison places are brought on-stream. The Justice Secretary confirmed

t least another 15 months of this policy, and ith it another 35,000 prisoners being let out to our streets. Will the Secretary of State today that what the Prime Minister said was d that no decision will be taken on ending this ul scheme until September next year?

ould reflect on the price of this policy, which is ore than mere numbers. More than 500 violent s were released early in March, taking the total of violent prisoners released to almost 5,000. A 320 offenders have been recalled to prison while custody licence, 144 of whom remain unlawfully At least 451 crimes have been committed by s who should have been behind bars. Almost y, the media report another victim of a criminal in one way or another, been released from arly. The Secretary of State plays down the nce of this. He recently said:

erstand public concern about it but it is only two and s off a sentence."

o and a half weeks? Frankly, I find that response ent. It is no consolation to the hundreds of sary victims of crime. Two and half weeks was ough in the case of Amanda Murphy, a teacher s beaten to death by her violent partner just er he was released early from prison. Only last e learned of the case of Derek Burns, a violent with a string of previous convictions, who his partner in the back with a 10-in meat cleaver should have been in prison. He told the paramedics:

ot believe they let me out. I told them I would do it."

out he was, because early release under the nent's end of custody licence scheme is ic—prisoners do not even have to apply. No al risk assessments and proper accommodation re carried out.

T.C. Davies (Monmouth) (Con): My hon. Friend g some powerful and important points. Will he that if he becomes Minister for Justice, as I will shortly, he will end all forms of automatic ease and prisoners will be released only if they ned the right to get out of jail?

Herbert: I am happy to confirm to my hon. hat we will scrap the policy of end of custody nd scrap the policy of automatic early release ders, to which I will refer shortly.

have already said, under the end of custody no individual risk assessments and no proper odation checks are conducted. As the National ion of Probation Officers has warned, violent s are released early— often back to the homes rtners they were in prison for beating up—getting ail before their victims expected it and with no . With this appalling policy comes a human he moral case alone demands its cancellation, on capacity apparently does not allow it.

lumfrey Malins (Woking) (Con): I hope that my iend agrees that we should be having a very

by the Government as a huge bonus to the criminal justice system, yet five years later they have not even introduced it into our courts.

Nick Herbert: My hon. Friend, who speaks with great expert knowledge on these matters and sits as a recorder, is absolutely right. Perhaps the Justice Secretary could explain why, after five years, custody plus has not been introduced.

It is a measure of how serious prison overcrowding has become under this Government that a policy that in a full year saves only 1,200 prison places cannot be suspended because apparently there are not that number of places available, or likely to be available, in the near future.

There is a second question that I should like to put to the Secretary of State. The Government told us that 2,500 new prison places would be delivered in 2007.

Richard Younger-Ross (Teignbridge) (LD): There is obviously a problem with prison overcrowding. Does the hon. Gentleman agree that we could reduce prison numbers if those with serious mental health issues were identified and placed in forensic mental health institutes? Will his party commit to expanding that service so that it could take them instead of their being put in prison?

Nick Herbert: I agree about the problem of prisoners with serious mental illness, but there are two points to make. First, if, instead, they are put into places where they are treated, those are likely merely to be secure places of a different kind. Many of us—including, I suspect, the Secretary of State—would agree that that is a desirable thing to do. Secondly, the Bradley review is investigating how such people could be diverted to places where they can be treated properly. Although the hon. Gentleman might be able to say that that reduces the prison population, and it may be highly desirable that those offenders are not treated in prisons where it is not appropriate for them to be detained, it will not necessarily reduce the overall numbers of people in some form of custody.

Richard Younger-Ross: Is the hon. Gentleman aware that the recidivism rate for those who are treated in mental health institutions is only 10 per cent., compared with the figure for those who have been in prison? In time, therefore, the prison population would be reduced because recidivism would be reduced.

Nick Herbert: The hon. Gentleman makes a fair point. Indeed, a reduction in reoffending is an important way of reducing pressure on prison population growth in the long term, and the point that he makes may represent one means of achieving that. I doubt that there will be disagreement between hon. Members of any party about the desirability of removing offenders with serious mental illness from our prisons. The issue is one of resources and potential expense. It is true that there has been a big displacement of prisoners from former mental health institutions into the criminal justice system; it is not just the prison system that has picked up on that, but the police. We all recognise that problem.

David Howarth (Cambridge) (LD): Would the hon. Gentleman tell the House what his first priority would

Nick Herbert: I will come on to explain to the hon. entleman, if he has not read our policy document, at we propose an increase in capacity above what the overnment propose to deal with overcrowding. On the estion of how to deal with mentally ill prisoners, we all await the outcome of the Bradley review, and if e hon. Gentleman is sensible, he will do the same. I ust make progress, but I hope that I have answered the any questions put to me by the Liberal Democrats.

I have a second question for the Justice Secretary. The overnment told us that 2,500 new prison places would e delivered last year, but they comprehensively missed at prison-building target. They managed to increase apacity by just 1,367 places—just over half their target—nd there is no sign that things will be better this year. ince January, there are nearly 3,500 more prisoners in ur jails, but far less than half that number of new laces. Let us remember that most of those new places re just last year's new places delivered late. Strip those ut, and prison capacity this year has increased by ewer than 300 places.

With prison capacity and early release, the familiar attern of this Government's policy continues: release riminals more quickly and build prison places more owly. The Government will not admit that even if they eliver the promised extra places by 2014, total prison apacity will still be many thousands of places short of heir own median projection for the prison population y that time. They published a consultation paper on itan prisons, and they say that they intend to press head with plans to build three massive prisons—in the orth-west, London and the south-east. Those prisons ill take up 50 acres, which is a footprint larger than wo Wembley stadiums. They will be the biggest prisons n Europe, in the face of all of the evidence that smaller risons are more secure and superior for the purposes f rehabilitation. After all the urging by prison reform xperts about the importance of local family links to he reduction of reoffending, why are the Government ursuing the policy of titan jails?

Mark Pritchard (The Wrekin) (Con): Given the overnment's record of not consulting local communities, ven over bail hostels, does my hon. Friend expect them o consult local communities on titan prisons? Does he gree that there should be a full local planning consultation rocess involving local councils? Titan prisons should ot be driven through by the new planning infrastructure ommission.

Nick Herbert: I agree with my hon. Friend. I believe hat the Government have pursued the policy of titan risons—a name that they chose—because they wish to ubvert local planning procedures and thereby increase apacity without having to obtain the consent of local eople. That is wrong, just as the policy of siting very arge prisons away from the prisoners' local communities s wrong.

The Government's paper trumpets the potential fficiencies of titan jails, but admits that the Ministry of ustice has not done enough research to present a ost-benefit analysis. If these monstrous warehouses ver get built, projections show that they will be overcrowded ship. Whatever happened to that? What happened to that ghost ship? Perhaps the Secretary of State could update us. *The Sun* is certainly keen for an update.

Years of failure and today's belated and inadequate prison-building programme have come at a price. In an interview with *The Daily Telegraph* in May, the former Lord Chief Justice, Lord Woolf, clearly warned of the dangers when he said:

"The present situation is extremely worrying. I don't think prisons will blow up tomorrow or next week but there is certainly a danger of that. The prison service is very good at handling prisoners, but they are at bursting point. We are getting into the danger area."

Can the Secretary of State tell the House what the current state of the prison-building programme is, how many new places will be opened this year, and why the prison-building programme this year and last year fell so far behind plans?

Sir Alan Beith (Berwick-upon-Tweed) (LD): The hon. Gentleman just quoted the previous Lord Chief Justice and his motion ill-advisedly quotes the present Lord Chief Justice. I say ill-advisedly because it is not good to draw judges into debate in that way. Does he recognise that both of those learned judges have considered a wider range of issues at length, including the effect of heavy spending to meet growing prison numbers on the very expenditure that could be used to keep people out of prison?

Nick Herbert: The plans that we have set out effectively propose diverting resources spent on reconvicting prisoners in order to try to prevent them from reoffending, which would be the transfer of resources that the right hon. Gentleman seeks. All of us want to see a reduction in the long-term growth of the prison population, but the question is how that is to be achieved. The Government's approach is wrong, as I am about to set out, and those who believe that there is an easy way of preventing the sentencing of prisoners in the first place by diverting prisoners into community sentences in which the public have no confidence are misguided.

Faced with the reality of their failure, the Government are trying a new tack. Since they do not have the prison places, they want to fetter the ability of judges to hand down custodial sentences. They call it, in the words of their amendment to our motion, "a structured sentencing framework". The new device is a sentencing commission. They pretend, in the words of the amendment, that it is about delivering "greater consistency in sentencing", but there is already a statutory duty on the Sentencing Guidelines Council and the Sentencing Advisory Panel to promote consistency in sentencing. It is by no means clear whether the Government have any idea of how compliant judges are with the guidance of the Sentencing Guidelines Council at the moment.

The Government have never said that demographic or geographic sentencing disparity is a problem that a sentencing commission is designed to iron out. The idea that a sentencing commission would simply promote consistency is a canard. The Government's proposals are nothing other than a back-door attempt to manage down the prison population by fettering judicial discretion. As we have said before, linking sentencing to resources

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ord Carter himself admits that there are many ers of the prison population, not least the amount violent crime, reoffending rates and the volume of ign prisoners detained after their release date, awaiting ortation. The Government's record on those external ers of crime and the prison population is frankly alling, as we all know. In the light of that, any ficial method of linking sentences to resources would dangerous and wrong. Violent crime has doubled er Labour. If that trend were to continue under a em that links resources to sentencing, we may find ences for violent offenders would be shortened because lack of capacity.

Mr. Straw *rose—*

Nick Herbert: As the Secretary of State is about to rvene, I ask him whether that shortening of sentences hat he intends.

Mr. Straw: No, and I shall deal with that point later. e hon. Gentleman's claim that violent crime has abled is untrue. He must know that two separate nges occurred in recording crime—one in 1998 and other in 2001. Both increased the recording of all nes. In 1998, the change increased the recording of lent crimes by 80 per cent. overnight. The problem t we faced, to which we have now adjusted, was that, der the system that the Conservative Administration d, an awful lot of crime was not properly recorded.

Nick Herbert: The Government always fall back on defence of counting changes. As the Secretary of te knows, even with those changes, violent crime has reased under the Government. Does he at least concede t? A huge amount of crime continues to go unreported. he is in denial about the amount of violent crime in country or public concern about it, he is in an even re serious predicament than the Government.

Mr. Straw: I am in no sense in denial about the tter. When increases in crime occur, I am ready to mit to them. It is important in such a debate to deal h reliable statistics. One violent crime is too many, does the hon. Gentleman acknowledge that, according the British crime survey, which the previous ministration rightly established in 1981, violent crime decreased by 31 per cent. since 1997?

Nick Herbert: The right hon. Gentleman knows that British crime survey misses out swathes of criminal ivity, including crimes against young people. The vernment rely on it when it suits them. Indeed, some nes have been increasing according to the British me survey recently.

Mr. Straw *rose—*

Nick Herbert: Hold on. Instead of trading statistics oss the Dispatch Box, let me make a proposal to the retary of State. The publication of crime figures uld be on a basis that is wholly independent of the Commission criticised the Home Office for its presentation and spinning of crime statistics, and that we cannot accept the defence of recounting from a Government who have been so quick to manipulate figures when it suited them?

Mr. Straw: I certainly do not concede that. The Government have progressively ensured that the Office for National Statistics is entirely independent—I personally supervised that policy over 11 years. I went to the launch of the Statistics Commission, which is independent of Government. I agree that there will be no public confidence in official statistics unless such bodies are independent. However, if, according to the hon. Gentleman, crime has increased, why did the Leader of the Opposition accept that

"crime has fallen dramatically under Labour"?

Who is right?

Nick Herbert: I doubt whether the Leader of the Opposition said that. Of course, some crimes—for example, acquisitive crimes—have decreased, but the right hon. Gentleman should know about public concern, especially about violent crime. The publication of crime figures is not properly independent of Government. It is our policy that they should be independent so that they are not capable of manipulation and we have a proper index of the amount of crime in which the public and all hon. Members can trust. Unfortunately, the Government's consistent manipulation of crime figures means that that trust in the figures does not currently exist.

Let me revert to the issue of the proposed sentencing commission, because it is an immensely important matter that raises issues of principle about the relationship between the House, the Executive and the judiciary, which should be independent. I repeat the point that I made to the Secretary of State. If a sentencing commission is introduced, we may find ourselves in a position whereby sentences for violent offenders, irrespective of any decision by the House, could be shortened due to a lack of prison capacity. Indeed, I assume that that is the right hon. Gentleman's real objective. Ministers would avoid their responsibility to ensure public safety, and effectively outsource sentencing decisions to a quango. Linking sentences to resources will entail a massive reduction of judicial discretion.

Mr. Straw: I am grateful to the hon. Gentleman for giving way again. Let me reassure him that what he has outlined is in no sense the purpose of the proposal. I shall explain it in more detail in my speech, and I hope that he and other Conservative Members will then be reassured about it.

Nick Herbert: We will wait and see. It is difficult to know why the Secretary of State is so keen to pursue the idea of a sentencing commission, if not with the express purpose of finding a means of managing the prison population down. However, I look forward to hearing what he has to say about it.

Linking sentencing to resources could entail restrictions on judicial discretion. To manage down prison populations successfully in the United States—an international example

prescribed sentence range in any given case. The ability to treat cases differently must be severely curtailed for any such system to have a chance of working.

Perhaps the Lord Chancellor should remind himself that his statutory duty is to protect the independence of the judiciary. Even if the regime is restrictive, there is no guarantee that the prison population can be effectively managed down. As Nicola Padfield of the law faculty at Cambridge university said in her evidence to the Justice Committee,

"if we create something more rigid than we have at the moment, it is likely, on the evidence that we have, to talk up sentencing levels rather than talk down the sentencing levels."

The judiciary is deeply concerned about the proposal, as the Secretary of State must know. The most senior criminal judge in the country, Sir Igor Judge, remarked that

"the point about the judicial discretion is that a judge is trying to do justice in the individual case and that is what he must be allowed to do. If I may say so, it does not matter what guidance is offered, what framework comes up, if that is interfered with, then we are going down a very strange route."

The restrictions that sentencing commissions place on judges encourage them to game the system, which leads to manipulation and perverse outcomes. There is strong evidence that, in Minnesota, judges sentence offenders to local jails rather than state prison to keep the headline prison population low. That shows that prescriptive regimes may not even work as intended. Sentencing commissions manage growth in prison populations through artificial, arbitrary and dangerous methods.

Sentencing commissions do not reduce overcrowding and manage prison populations through some magic formula. They identify pressures on the prison population, caused by the external drivers, which Lord Carter cited, and then shorten prison sentences and reduce the impact of previous convictions on certain classes of offenders. That is how they work.

It would be no surprise if such an approach reduced pressures on the system, but that is no way to keep the public safe. It is no way to build public confidence, either. The Bar Council recently said that

"we believe that it is more likely to undermine public confidence in the criminal justice system".

I ask the Justice Secretary today to reconsider the misguided policy and to confirm that the working group that Lord Gage leads does not represent a commitment by the Government to introduce such a mechanism, come what may.

The Government have found another way to reduce the prison population by stealth. More than 500 early release prisoners on home detention curfew and criminal suspects are being housed by a company called ClearSprings in more than 150 properties in residential areas. In a letter to colleagues in April, the Minister of State, Ministry of Justice, the right hon. Member for Delyn (Mr. Hanson) stated:

"In acquiring the properties ClearSprings has a contractual obligation to consult with police forces, probation and Local Authorities so that local knowledge can inform the selection of addresses. This enables us to avoid inappropriate locations."

He omits mentioning that consultation is limited to Ministers have referred to residents being notified. Is the Justice Secretary aware of what notification by ClearSprings entails? For his benefit, I have a copy of the leaflet that ClearSprings put through the door of a local resident in my constituency, which was the only notification that ClearSprings gave the public when it attempted to open such a property in Arundel. It reads:

"Dear Occupants,

I am writing to you to inform you that the property next door…is now being managed by ClearSprings Management…as part of our supported housing programme."

The leaflet then supplied a contact number. In what way does that explain the role that the property will play? There was no explanation about early release prisoners or suspects being accommodated and no reassurance about the policing and security arrangements, just a flier and a national rate telephone number.

The Minister of State, the right hon. Member for Delyn, has said:

"The service is proving a success"

On what grounds is the service proving a success? Here is the give-away:

"The service is reducing the pressure on prison places".

That is what the scheme is about. The Government have simply encouraged the courts to make more use of bail, as the prison overcrowding crisis has worsened. The bail accommodation and support service run by ClearSprings is the result.

Ms Dari Taylor (Stockton, South) (Lab): The hon. Gentleman is making an appropriate statement to the House, and I totally agree with some of what he has said. Consultation with the local community has been rather thin on the ground, and it would have been infinitely better had it been more defined. However, he can take it from me that the relationship between that organisation and the police in my constituency has become very effective. There has been no objection in the community, because frankly there has been no reason to object. Does he accept that what we are attempting to do—reintroducing offenders into the community, which his party has said is an appropriate way of doing things—can have some beneficial outcomes?

Nick Herbert: The hon. Lady cannot have spoken to the many people, from all over the country, including from constituencies represented by hon. Members in all parts of the House, who have contacted my office to express concern about the policy. We are talking about effectively open jails, which open next to people in residential areas without their knowledge. ClearSprings does not provide active supervision of the prisoners concerned.

In many cases, the properties have been opened in wholly residential areas, where the prisoners or suspects have no access to any of the necessary support services. People who live next door to such properties have expressed concern about disruption, noise, the constant police presence and the potential effect on property values. The policy is, frankly, disgraceful, and it is made more disgraceful by the fact that an attempt has been made to conceal it from the local community.

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a discredited policy and it must be suspended, ing a thorough review and a debate in which hon. nbers in all parts of the House can relay the problems they have been experiencing with the operation of hostels by ClearSprings.

isoners released on end of custody licence and e let out on home detention curfew are not the only to benefit from early release. Under the Government pioneered stealth taxes, we now see the stealth se of prisoners. Numerous measures in the recent inal Justice and Immigration Act 2008 were explicitly gned to reduce pressures on the prison population. ad the failed attempt to abolish magistrates' powers mpose a suspended sentence, as well as measures to rd tagged prisoners with days off their jail term to account of time that they had spent in bed at home e on bail. We also had measures to align release ngements with a technical change, smuggled late the Act, that allowed automatic release at the way mark to apply retrospectively for offences mitted before 2005.

ow we have learnt of another stealth release scheme, w guidance from the Prison Service on time unlawfully t at large. The latest Prison Service instruction says:

n exceptional circumstances, it may be appropriate to allow a d spent"

wfully at large

ount towards completion of the sentence."

t circumstances? The instruction sets them out:

or example, if the prisoner will lose irreplaceable employment ccommodation links"

Where the prisoner is a primary carer".

ddition,

rt periods of UAL up to a month may be allowed to t at the discretion of the Area Manager".

t time is time unlawfully spent at large. It gets se—the document says that the time counted may

Where a prisoner has escaped".

oners who escape may be allowed to count the time t on the run as having been spent in prison. This is t the latest Prison Service instruction says:

Where a prisoner has escaped, both the day of the escape and ay of recapture will count as part of the custodial period of entence".

t means two days off automatically for any prisoner escapes. Only this Government could give time off ad behaviour.

hose policies of stealth release may save a few on places, but they are no solution to the problems we face. Stealth release does lasting damage to lic confidence in the criminal justice process and ls the wrong message to criminals. If ever there was ne for new thinking, it is now.

e have set out plans to restore confidence in the inal justice system, redesign prisons for the century and launch a rehabilitation revolution. We ld create prison and rehabilitation trusts with clear their success in reducing reoffending. We would trus professionals, giving governors new powers and freedom to unlock the private and third sector to run rehabilitatio services in and out of prison and give offenders th support that they need to go straight.

At the beginning of April, the Lord Chief Justic criticised early release schemes and the lack of transparenc in sentencing:

"Where prisoners are released in these circumstances, that is t a degree not a big degree an erosion of the sentence that th judge imposed and anticipated would be served. I think it woul be very much better if one had a clear sentencing structure, whe if you imposed a sentence you could see how long that individu might spend in prison and when they would be eligible fo parole."

We agree. That is why we want to see honesty i sentencing. A Conservative Government would legislat for minimum and maximum sentences, to create tha honesty in sentencing. When handing down a sentenc the court would have to explain the minimum an maximum sentence, and also the rules according t which it would be implemented.

Under our policy of earned release, no prisone would be released before the minimum had been serve Release after that point would be conditional on th conduct of the offender in custody. That means tha both the victim and the public will know when th prisoner will be considered for release on licence, an also that the offender may serve longer than the minimu if he does not earn his release by fulfilling his conferre duties in the system.

For that reform, and to address the urgent need t reduce overcrowding, we recognise the need for additiona capacity. That is why we outlined our proposal in Marc for 5,000 more prison places above the Government plans—not to increase the prison population, but t deal with overcrowding—that would be funded by redevelopment of the prison estate. Our reforms have at their heart the recognition that public confidence in ou criminal justice system has been gravely undermined b the early release of prisoners and a failing penal systen That confidence must be restored.

But more than that, we recognise that in the lon term, the right way to prevent the unsustainable growt of our prison population is to reduce reoffending. W all know that reoffending rates have remained stubborn high. A leaked internal memo from the Governmen admitted as much. It said that recidivism rates fo young criminals remain some of the highest in th developed world and that they "have not significantl changed" since 1997. Ministers will claim progress, bu like so much from this Government, it is all about ho we measure it.

The truth is that our prisons do not do enough t rehabilitate offenders. Indeed, in their current state o overcrowding, they are doing less now than they di 10 years ago. We cannot go on administering gian human warehouses, where nothing much happens excep drug taking and bench pressing. We have to creat regimes where offenders work hard, learn skills and g support to break their drug addiction, so that they lea less likely to reoffend. We need to create prisons with purpose; reducing reoffending will help break the cyc of crime. We recognise that we will not make Britai safer unless we reduce reoffending; and we will no

without constructing purposeful regimes. That is the only acceptable way forward to deal with the current problem.

The truth is that the Government are paralysed. There is total incoherence across Government policy. Ministers are constantly buffeted by events. We were the ones who led calls for stronger sanctions and robust enforcement for knife crime; then the Government followed us with calls for a presumption in favour of prosecution. We led calls to tighten the bail laws; and only now, four months on, do the Government bring forward their own narrow and rather unimpressive consultation document.

We have set out our ideas for reform, so where are the Government's? If Ministers are simply to attack every positive proposal for change, if they are going to resist every new idea and if they are just going to maintain their tired refusal to act, the future really is bleak: prisons in a permanent state of overcrowding; ever more desperate emergency measures to bring the situation under control; turf wars between Government Departments and conflict with the judges whose independence is threatened; the biggest jails in Europe warehousing offenders; prisoners transported hundreds of miles around the country in a search for available places; drugs freely available in jails, which should be places of security; short-term prisoners being released with little or no support in the near certainty that they will reoffend. Politicians should not use the word "crisis" lightly, but the prison system is in a state of crisis. If Ministers do not think so, they do not deserve to be able to continue to run the system.

Last month, my right hon. Friend the Member for Witney (Mr. Cameron) received a letter from a 17-year-old prisoner in a young offender institution. I think that the House should hear what he had to say. He said that he had been in the young offender institution

"for the past seven months. I am currently serving 30 months; I have been in before and served an 18-month sentence; I am only 17 years old. I would like to get help to stop me reoffending in the future, but I would like to tell you that I received no help and do the same things, day in, day out. I attend gym in the morning for an hour and education in the afternoon for two hours and then one hour's association in the evening. I am locked up 19 hours a day during the week and 22 hours a day of a weekend. I want to learn new things, but there is nothing for me which I haven't already done. I want to learn new skills which will help me get a job when I leave prison, but I would like to say that the Government need to look at the way the prison system for young prisoners is run and do more to help people like myself. I might as well not be in prison; I might as well be at home and locked in."

What hope are the Government offering young offenders such as him? What hope for communities blighted by their crimes?

Let us hear no more excuses from the Government. Let us hear no more pointless attacks on what a previous Government did more than 11 years ago. Let us hear from the Justice Secretary what he is actually going to do about our penal system. In the words of the Lord Chief Justice:

"We simply cannot go on like this".

8.3 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move. To leave out from "House" to the end of the Question, and to add instead

"welcomes the Government's record in cutting crime by a third, its provision of 23,000 more prison places since 1997, and its commitment to create a total of 96,000 prison places by 2014, demonstrating that public protection is at the heart of its strategy; further welcomes the Government's commitment to remove the End of Custody Licence Scheme when headroom allows; notes that the use of police cells is much lower than under the previous administration; further welcomes the tough and effective community sentences that have been introduced and the work done to increase public awareness of their role and effectiveness, and the further investment in intensive alternatives to custody to continue to build the confidence of sentencers in their effectiveness, as demonstrated by significantly reduced re-offending rates; notes in respect of the Bail Accommodation and Support Service that ClearSprings is required to consult the police, local authorities and probation to avoid inappropriate property locations; considers that there should be greater consistency in sentencing and the opportunity for a focused and informed debate on sentencing provided by the work of the Sentencing Commission Working Group on the potential for a structured sentencing framework; and further welcomes the reforms which have been made to the youth justice system including the strengthening of alternatives to custody".

As the hon. Member for Arundel and South Downs (Nick Herbert) said, this is the third debate tabled by the Opposition on this subject in less than a year. No matter how many times one tries to compare what this Government have done on law and order with what previous Administrations did—yes, I shall make comparisons, as well as deal with what we are currently doing and what we will do in the future—our record stands up to any amount of scrutiny.

Let us look first at crime.

Mr. Desmond Swayne (New Forest, West) (Con) *rose*—

David T.C. Davies: *rose*—

Mr. Straw: Before I take interventions, let us first look at crime. It was the former Home Secretary, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) who admitted in this House that crime had doubled under the Conservatives—and indeed it had. Car crime doubled, domestic burglary doubled, violent crime went up by 170 per cent., and robbery went up by almost 400 per cent. Furthermore, the Leader of the Opposition, the right hon. Member for Witney (Mr. Cameron), was asked on BBC "News at Ten" on 23 April—I do not need the transcript, as I saw him say it, as did many others—whether crime had fallen under a Labour Government and he said "Yes, absolutely, absolutely." He was right to say that, because it happens to be true. Not only that—

Mr. Swayne *rose*—

Mr. Straw: I shall give way shortly to the Leader of the Opposition's Parliamentary Private Secretary, who is sitting there like some sentinel watching the performance on the Front Bench, so he can report back. Indeed, he is nodding with approbation.

What the hon. Member for Arundel and South Downs forgot to mention in his litany of painting down the success of the police and other criminal justice agencies is that only today, Sussex police—his own local constabulary—have announced a 10 per cent. fall in recorded crime over a year. Those figures happen to be

Mr. Edward Garnier (Harborough) (Con) *rose*—

Mr. Straw: Before I give way to a junior member of Tory Front-Bench team I shall give way, as I said I ld, to the man who really has power—the Leader of Opposition's PPS.

Mr. Swayne: In the excellent performance by my hon. nd the Member for Arundel and South Downs k Herbert), he referred to an instruction, so will the l Chancellor confirm that it is genuine, and that it is ed the case that days on the run can be counted as ributing to the number of days in custody? If that is ase, is it possible that if a miscreant were on the run long enough, they might actually be eligible for pensation for having been detained beyon! the th of their sentence?

Mr. Straw: I am happy to reassure the hon. Gentleman that does not apply to those who have escaped. t Prison Service instruction, to which the hon. tleman draws such extravagant attention, does not ly to escaped people or those who are in normal ance "on the run". It applies exceptionally to prisoners have been released in error. Before Opposition mbers say that no prisoners are released in error, I intending to draw to the attention of a wider ience later in my speech the fact that on one single in August 1996, 537 prisoners were released in r.

Mr. Garnier *rose*—

Mr. Straw: I am answering the man with the power, at back. I will deal later with those of the lower orders, ever learned they are.

says in my briefing that such releases are extremely Well, that is true under this Administration, but it not true under the previous one. The decision to rride the time out when a prisoner has been released rror can happen only if agreed personally by the ice Secretary. I have never seen such an application. I might also add—hon. Members are welcome to k the record on this—that when Mr. Ronnie Biggs been on the run and finaliy returned to custody, I sted, as I continue to insist, that all the time he spent the run should be deducted, notwithstanding his mpts to say otherwise, from the time he claimed to e served. He would have been out years ago had he decided to go over the wall.

Mr. Garnier *rose*—

Mr. Straw: The hon. and learned Member for rborough (Mr. Garnier) wishes to ask me a question.

Mr. Garnier: How very gracious of the Lord Chancellor permit me to tug at his regal gown. I am honoured. l the Justice Secretary condescend to tell us why, if ne has been reduced by such a massive amount der his Government, the prison population has gone by 23,000?

Mr. Straw: I think that is dead easy: the two might be nnected. Some statisticians disagree. I do not claim

crime has gone down by a third and prison numbers by a third. I can speak so far as my own constituency concerned. The truth is that this an element of critici by the soft side of the Tory party, and I hope that hon. Member for New Forest, West is making a note who is on that soft side: Harborough is certainly w Woking is even wetter; Dorset is even worse—

The Minister of State, Ministry of Justice (Mr. Da Hanson): And Monmouth.

Mr. Straw: No. Monmouth is on the other side, we will come on to Monmouth in a moment.

The two things are connected. Speaking from constituency experience, I think that the fact that m more serious criminals are now locked up, and longer, is a reason why crime there has gone down much, if not more, than it has in Sussex. Indeed, I proud to say—I hope that the hon. Member for N Forest, West will agree with me on this—that the forces that are consistently top performers in terms public confidence and crime reduction are Sussex Lancashire. As I said, the fact that we are jailing m people is one reason for that. I look forward to the h and learned Member for Harborough digesting that

Mr. Oliver Letwin (West Dorset) (Con): Will the ri hon. Gentleman give way?

Mr. Straw: Of course I will give way to another w

Mr. Letwin: I am very grateful to the Secretary State for giving way. Does he regard the increase in recidivism rate as another cause of his supposed reduct in crime?

Mr. Straw: It has not gone up. I shall not quote rest of the letter to the hon. Member for Arundel South Downs—the part to which he did not refer length, but if we compare like with like—

Mr. Letwin: Oh!

Mr. Straw: Well, we have to do that. Otherwise, th is no proper comparison.

If we compare the type of offences, we find that rate has gone down, which I drew to the attention of hon. Member for Arundel and South Downs in same letter, when I stated that proven adult reoffend has gone down

"by 5.8 per cent. since 2000 against the predicted rate."

Nick Herbert: Will the Justice Secretary confirm in that letter of 27 November he wrote to me:

"An estimated comparison of re-offending rates, taking account the changes made in 2000 and the correct base figur 1997, would in fact show only a 1 percentage point increa actual re-offending by ex-prisoners, 1997-2004."?

Will he therefore confirm that he has admitted reoffending rates have risen under this Government

Mr. Straw: I do not accept what the hon. Gentlem says. If we are looking at what is happening to trend *[Interruption.]* We have to compare one cohort of priso

Mr. Malins: On reconviction rates, my mind goes back to the Crime and Disorder Act 1998, which introduced the much vaunted drug treatment and testing order—a brilliant solution to our problems! Does the Secretary of State know that in fact there was a 90 per cent. breach of those and an 80 per cent. reoffending rate—historically, terribly high—which is why they were simply dropped?

Mr. Straw: The drug treatment and testing orders were reformed into a better and more effective system. *[Interruption.]* I am making a serious point about community punishments to the hon. Gentleman, as he knows, because he served on the Committee that considered the 1998 Act. He complained then about the fact that the prison population was too high. It was 60,000. Lord alone knows what he is going to be complaining about tonight when it is 83,000. By definition, community offenders are not locked up and it is more difficult to deal with them. We have to see whether a particular approach works, and if it does not, to be ready to amend it. That is what we sought to do.

Perhaps I can make a little progress after those diversions. As I said, crime is down by a third. I am glad that we agree about that, not least with the backing and support of the Leader of the Opposition. It includes violent crime coming down, and a record 140,000 police officers. The chances of becoming a victim of crime are the lowest since the British crime survey began its operation in 1981.

Let us also compare our record with the system that we inherited. On youth crime, it was taking 142 days—20 weeks—to get a young offender from arrest to sentence. That is now down to 60 days. The hon. Member for Arundel and South Downs criticises our record on prisons. I am very happy to compare our record with the record of the previous Conservative Administration. *[Interruption.]* It is no good his saying that he does not want to do that, because it was some time ago. That Administration is the paradigm for the Conservative party today. Conservatives seek to quote its record selectively when it suits them.

Hon. Members might want to use the noun "crisis" to describe the prison situation, but by God, there was a crisis for many years throughout the 1980s and 1990s. More people escaped from so-called secure prisons in a week in 1992 than escaped in the whole of last year. I am told that it got so bad that private secretaries would not bother to inform Ministers following each escape; they would tot them up at the end of the week. *[Interruption.]* It is true.

Throughout the 1980s and 1990s, prisons were beset by crippling riots. It was a rare month between 1982 and 1995 that police cells were not used, and in considerable numbers. On average in 1992, more than 1,000 prisoners were housed in police cells every night, and that was by no means a record. During one month a few years before that, 3,500 prisoners were in police cells in a single month.

We had the early custody licence in abundance on a number of occasions, but they were disguised by the previous Administration, most spectacularly when Douglas Hurd, now Lord Hurd of Westwell, extended remission from one third to one half, releasing 3,500 prisoners—not 1,200—at a stroke, the effect of which continued for to do what I did, which was to ensure, because I thought it was right to do so, that monthly independent figures were produced on their equivalent of the early custody licence.

In 1984, Leon Brittan increased eligibility for parole for short-term prisoners. That doubled the number released early. In 1991, Lord Hurd's temporary measures were made permanent in the Criminal Justice Act 1991.

Ms Dari Taylor: Will my right hon. Friend add two more statistics to those that he has given? One is the number of convictions during the late '80s and early '90s. That fell by a third. The second statistic is that crime trebled in the same period.

Mr. Straw: I agree with my hon. Friend on the first statistic. As for the second, crime doubled in that period.

Ms Taylor: Not according to my notes.

Mr. Straw: Well, okay. Some crimes did. *[Interruption.]* My hon. Friend needs to sack the researcher.

Mark Pritchard: I know that the Minister always likes to be accurate with the House. He mentioned absconders or people who have escaped from prisons. Does he recall a written parliamentary reply to a question I tabled last week in which it was stated that there were 510 absconders from open prisons alone, never mind category A, B and C? He might want to set the record straight.

Mr. Straw: Of course I do. I think it was the answer to the hon. Gentleman's question in which I spelled out the difference between escapes, which is the correct term to use for closed prisons, and absconds, which are from open prisons, where people are free, by definition, to walk in and out because an open prison is open; it is a halfway house, as they call it in the United States. As it happens, the record in that respect is very good as well. In 1996-97, there were 1,115 absconds. That was cut by more than 50 per cent. by 2007-8. The question for Conservative Members is this: are they saying that in the unlikely event of their gaining office they will close all open prisons, or are they saying that if they keep them open there will be no absconds?

David T.C. Davies *rose—*

Mr. Straw: I will give way to the hon. Gentleman, as I promised to do so earlier.

David T.C. Davies: I thank the Secretary of State for giving way, not least because my constituency contains an open prison from which numerous very dangerous prisoners, including child rapists, have escaped or absconded. Whatever the difference is, it is not important. Is it not the case, however, that under the Government that the Secretary of State represents, people are trying to break into prisons to sell drugs and to prostitute themselves?

Mr. Straw: The hon. Gentleman knows that to be nonsense, but may I say how pleased I am to see him in the Chamber? Like an awful lot of Members on both sides of the House, when I received the message that a "David Davis" had decided to resign, I thought it was

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r of the Opposition—to discover that he is still young and vigorous, and that it is the other d Davis" who has decided to go off on a frolic of n.

me now return to the subject of the increase in umber of prison places. We have delivered more 23,000 additional places since 1997, at twice the hieved by our predecessors, along with a commitment rease the total to 96,000 net and 101,000 gross by There is some flexibility in the system.

e hon. Member for Arundel and South Downs about the building programme. All the evidence have suggests that it is well on time and, in some ahead of time. I am not sure where the hon. eman's information originated. Over the past onths 2,422 places have been delivered, and we and fully expect, 2,700 to be delivered in this dar year. It is also a great credit to the Prison e that not only is it delivering those places but—here h wood—in 11 years there have been no category apes.

have a responsibility to provide enough prison s for those who the courts determine should be Prisons are first and foremost places of punishment ublic protection, but they are also places of reform, means ensuring that there is a constructive regime ives people on the inside a better chance of going ht on the outside.

sons are not cushy. I was glad to note that the hon. ber for Arundel and South Downs told a recent conference:

do not believe that prisons are holiday camps or that ers largely want to be there".

ps he will talk to his hon. Friend the Member for mouth (David T.C. Davies). It is nonsense to suggest risoners want to be in prison, nor should they to be there, because, as I have said, the purpose of incarceration is first and foremost punishment.

son regimes have been hugely improved since, in cular, the 1980s and early 1990s. Reoffending rates fallen—I would be happy to write to the hon. ber for Arundel and South Downs about that—and ve provided more opportunities for rehabilitation. ight hon. Friend the Minister of State will tell the e later about the new offender compact that he is oping. There has been a tenfold increase in spending rug treatment programmes, and the number of le failing mandatory drug tests has fallen by two s.

n Battle (Leeds, West) (Lab): Armley remand in my constituency has received welcome investment r the present Government. Its staff do a brilliant n difficult circumstances. However, will my right Friend give serious consideration to a proposal the former chief inspector of prisons, Lord sbotham, for what he has described as academies, hich I think he means practical, positive, small ential units to give the 3,000 young offenders in in a better chance to obtain the training and early vention that will prevent them from reoffending? If

Mr. Straw: I always take Lord Ramsbotham's suggestions seriously, and I would be happy to talk to him and to my right hon. Friend about this one.

As there has been a debate about the number of people under 18 in prison, let me say that it has been stable in recent years. The number of people whom we would describe as children—12 or 13-year-olds—in secure custody is tiny. There are seven 12-year-olds in custody, not the hundreds implied by some lobby groups, and they are there because they committed very serious offences. The bulk of those under 18 who are in custody are 16 or 17.

We have worked hard to improve the regime for those people. That is a matter for the Youth Justice Board, which provides more resources per head. Staffing levels are higher and so is the standard of the regime, but it is always open to improvement. We are dealing principally with offenders for whom the custody bar is much higher than it is for adult offenders, because they have committed either many more offences or more serious offences.

They often have intractable problems, frequently including emotional and learning difficulties. It is hard to turn them around, but we have to keep trying.

Mr. Bernard Jenkin (North Essex) (Con): On the prison building programme, does the Secretary of State accept that even if the so-called titan prisons are built on time, on the basis of the current figures he is planning that they should be more than 30 per cent. overcrowded? As he has not produced any cost-benefit analysis, what evidence does he have that these are the most efficient way of providing new prison places?

Mr. Straw: In prisons, there is always—and there will always be under any Government, in my opinion—a level of what is described as overcrowding, which is the amount above what is called normal capacity. I can conceive of no Government deciding to increase prison places by half the number of prisoners. Regardless of whether they are categorised as overcrowded, all but a few current prisons are very different from those of 20 or 30 years ago.

The large prisons will not be warehouses, and it is ridiculous to suggest that they will be. They will be prisons within prisons. There is a good deal of evidence to show that they will be more cost-effective. It is easy for the Conservative Front-Bench spokesman blithely to assert that instead of building one prison for 2,500 on a footprint of 50 acres or hectares, it would be easier to build five prisons of 500 places. Would that we could. What happens the moment that we try to build prisons, for example at Beam Reach in the constituency of the hon. Member for Hornchurch (James Brokenshire), or in South Suffolk where there is also a suggestion that a prison should be built—and in both places land is available? What happens is that we do not get co-operation from the local Conservative Members; instead we get opposition, with the hon. Member for South Suffolk (Mr. Yeo) saying they will not have any more prisons in that area. We face a problem, therefore. I understand why the public are always unhappy about a new prison being built—although they are equally unhappy about a prison closing once it has been built. However, the

Mr. Simon Burns (West Chelmsford) (Con): Will the Secretary of State give way?

Mr. Straw: If I may make some progress, I will try to give way to the hon. Gentleman shortly.

We are also clamping down on the supply of drugs into prison, and as I said to the House last Tuesday I will publish the Blakey report and our response shortly. We have also greatly increased training arrangements in prison and we are trying to do a great deal more.

Managing the criminal justice system is not easy. It requires professionalism on the part of the prison and probation services, and I hope that all Members will join me in paying tribute to their staff at every level. It also requires consistency of approach. When asked about home detention curfew, the hon. Member for Arundel and South Downs skated over whether the Conservatives would abolish it. *[Interruption.]* Perhaps they would not abolish it; perhaps he would like to clarify this? *[Interruption.]* Well, I heard him being asked about it, and I remind him that in the then Home Affairs Committee the hon. Member for Woking (Mr. Malins) was in unity with the hon. Member for Aldershot (Mr. Howarth) in welcoming the home detention curfew initiative in what became the Crime and Disorder Act 1998. The Conservatives did not vote against the extension of home detention curfew on Third Reading of the Bill that led to that Act, nor did they vote against the extension of HDC in 2003.

The hon. Member for West Chelmsford (Mr. Burns), who watches for the Leader of the Opposition, ought to be aware of the following quotation in respect of a new appointment by his leader. On the extension of HDC, a Conservative Member said:

"The Minister reassured me about certain things that concerned me, for which I am grateful. I was aware of the low level of revocation of licences for those on home detention curfew. Therefore, the official Opposition will not be voting against the measure".

That was said by a then junior spokesman who is now a highly elevated spokesman: the new shadow Home Secretary, the hon. and learned Member for Beaconsfield (Mr. Grieve). Since the scheme was introduced, with the approval of that Committee and of the Opposition, officially in 2003, 151,000 prisoners have been released, 5 per cent. have completed their period of HDC successfully and 4 per cent. have reoffended while on the scheme.

The hon. Member for Arundel and South Downs devoted a significant part of his speech to the end of custody licence—ECL—which was introduced in June 2007 to create sufficient headroom to allow for prison numbers to be managed safely. That involves taking out 1,400 prisoners at any one time, which contrasts with the 3,500 prisoners whom Douglas Hurd took out of the system in 1987. Let me put this into perspective.

I said that the prisoners are released up to 18 days early—that is two and a half weeks before they would come out in any event. Although I acknowledge that someone who is a victim of a crime, in any circumstances, is 100 per cent. a victim, regardless of how unlikely the event, it is important to put on record the fact that the reoffending rate on the scheme is just 1 per cent., which is remarkably low.

The hon. Gentleman spoke about the terrible murder of Amanda Murphy by Andrew Mournian, and nothing and friends. However, as the hon. Gentleman sought to make a point about ECL, it is important to put on record what the learned trial judge, the honourable Mrs. Justice Swift, said in sentencing that man for that terrible murder:

"It is right that I should say that the fact that you were released early cannot, in my view, be said to have been causative of what happened thereafter. It is highly likely that the events that took place would have occurred whenever you were released."

[Interruption.] No, it is not all right; it is not all right in any circumstances.

It is important that the hon. Gentleman makes accurate points. It was the learned judge in that case who, obviously without anyone's prompting, went out of her way to say that, in her judgment, whenever the offender was going to be released, as he was bound to be for his index offence, he would have committed that offence. As he says that people are released without any check on their circumstances and where they are going to go, I should tell him that they are released 18 days early with all normal arrangements, including supervision, that would apply, depending on their sentence length, were they released 18 days later.

May I also say that we will end ECL when headroom allows? I was asked whether that would be in some month next year. I wish I could say with absolute certainty when we are going to end ECL, because I understand the public concern about it. We can predict with some certainty the rise in the number of prison places over the next year, but it is very difficult to predict, as would be the case under any Administration, exactly what will happen in respect of the rise—it will be a rise—in the prison population. Let us consider what happened in the past three weeks in relation to very short-term predictions. There was a sudden and quite unpredictable increase in the prison population of getting on for 350 last week. Very tiny changes in 300 to 400 courts across the country can lead to a big aggregate increase in the prison population. We are working extremely hard, with the fastest ever creation of prison places, and the moment I judge that it is safe to do so, we will end ECL.

Nick Herbert: Will the Justice Secretary confirm that the combination of the automatic early release of prisoners and the ECL scheme means that many prisoners are being released before they have served even half their sentence?

Mr. Straw: The prisoners are released in accordance with the law. We have home detention curfew, and this was a matter for debate 10 years ago. The hon. Gentleman came up with some extravagant promises—I hope that the shadow Chancellor was listening if the Conservatives are serious about going into Government—when talking about minimum and maximum sentences. One of my predecessors as Home Secretary, the right hon. and learned Member for Folkestone and Hythe, went to enormous lengths, as will be recalled by the hon. Member for Woking and the hon. Member for Dorset North—

Mr. Letwin: West Dorset.

Mr. Straw: West Dorset. Of course, how could I

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right hon. and learned Member for Folkestone the went to enormous lengths to try to introduce n of honesty in sentencing. He produced one hich was in the original Crime (Sentences) Bill in ut he had to withdraw it because it was completely ent. He then produced another plan, which I dy to implement when we came into government 1997, but that also turned out to be incoherent uld not have produced honesty in sentencing.

ourse we should be explicit about the minimum e maximum that any individual prisoner will ut the resource costs of what the hon. Member ndel and South Downs implies are huge, at a hen the shadow Chancellor keeps criticising us nding at current levels and suggests that public ng under a Conservative Administration—were er to happen—would be much less. No one will e hon. Gentleman's proposals seriously unless he y exactly what the resource costs will be and hat money will come from.

hon. Gentleman also has to say who would once a judge has determined that there will be a e of between two years and four years, whether ree or four years are served. Would it be the I think the judges would like to have some over that. Or would it be a prison governor? would that work? Or would it be done by an nal layer of complicated bureaucracy for the board? Those are serious questions and the hon. man needs to answer them.

hon. Gentleman also proposed a sentencing ssion. As I said on 5 December last year, and peated since, there is no suggestion that a sentencing ssion—such as an upgraded Sentencing Guidelines l—could or should ever be used to fetter judicial ion or to manage the prison population down. rison population will rise for the next 10 to rs according to almost any scenario one can . and Parliament and everybody else accepts

ened carefully to what the hon. Gentleman said. nent does have a critical role to play in setting the work for sentencing, and in deciding on the level payers' money to be spent on prison places and ion services that arise from that framework. That ing to do with linking individual sentences to the ility of resources. We make different judgments hose in the United States, which typically spends five times as much on prison places and has four times as many. We spend more per head than risdictions in Europe, apart from Portugal. There rgument for spending some more, and we are hat, but we do not want to see either the low level encing that some European countries have or the gh level that some states in the US go in for.

eek a formal mechanism whereby the impact of ed sentencing changes is assessed by an independent which we would call a sentencing commission, so overnment and Parliament are properly informed he decisions that they take and understand what es will be necessary to deliver those changes. We seek a restriction on judicial independence, but much better information about the resource that offenders in Surrey found guilty of an indictable offence in a magistrates court on an either-way offence have a 9 per cent. chance of being sent to prison, whereas in Bedfordshire it is a 23 per cent. chance, raises questions about consistency of sentencing and which approach is better. I am not saying that we should ever tell sentencers what to do, but we need to have the debate and for sentencers to be aware of it.

There are already guidelines laid down by the SGC, which is chaired by the Lord Chief Justice, and that works well, but I want to build on that, not least to ensure—as many of the judiciary are aware—that there is much better information available to the judiciary. Rather than damning the report by Lord Justice Gage and his distinguished colleagues before even seeing it, the hon. Gentleman should await its publication. He was, if I might say so, tilting at windmills earlier. I do not want this—

Nick Herbert: I quoted the Bar Council.

Mr. Straw: Well, as a member of the learned General Council of the Bar, I merely say that it is not always right. Sometimes it is a bit behind the times.

I do not want this issue to be turned into a political football—the others, yes. I tell the hon. Gentleman, in case he has forgotten, that the key words I quoted about the nature of the mechanism were the exact words that he used in a speech he made in November last year.

Sir Alan Beith: Will the Secretary of State explain why he said that whereas we do not want to go in the direction of the US, which has very high rates of incarceration, nor we do not want to go in the direction of European countries, which have either always had lower rates of imprisonment than we do or have moved to them, as Finland has? Where is the evidence that their method is less effective than ours? Does not the evidence rather point the other way?

Mr. Straw: I am sure that the evidence in Finland is that that system is effective in Finland. I know Finland a little, and I can tell the right hon. Gentleman that our society in England, Wales, Scotland and Northern Ireland is just different. I happen to believe that there is a connection, as we debated earlier, between the fact that crime has gone down by a third and that the prison population has gone up by a third. I do not claim that there is an exact statistical connection, but we have had problems—we still do—with crime and disorder to a greater degree than Finland has. We need to develop solutions that are suitable for here, which would not necessarily suit Finland. We shall learn, of course. We always seek to learn, not least about how to make community punishments more effective. The Minister of State, Ministry of Justice, my right hon. Friend the Member for Delyn (Mr. Hanson), will say more about that later.

The first responsibility of any Government is the safety and security of the public. This debate has been about the challenges that we face in meeting those responsibilities. It is about how we punish and reform offenders effectively, improve reoffending rates and ensure that prison is tough, fair and constructive. It is about ensuring, too, that there are sufficient resources to meet

comparison, we are meeting those challenges. Crime is down, and we are the first Administration since the war to achieve that. There is already a record increase in prison places and a record building programme over the next six years, and a big investment in the probation service to ensure more effective community punishments.

The debate is also about a choice about a party that presided over a record rise in crime and whose economic policies, in truth, would lead not to more investment in the criminal justice system but to less, as they would across the public service. The choice is between the relative success of our approach and the unquestionable failures of theirs. I urge the House to support the amendment and to reject the motion.

8.42 pm

David Howarth (Cambridge) (LD): I agree with the hon. Member for Arundel and South Downs (Nick Herbert) on one point—there is a crisis in the prison system. It has a record population of 83,000 and there are predictions, as we have just heard from the Lord Chancellor, of further increases. Overcrowding is increasing again. There is a breakdown in the capacity of the system to deliver rehabilitation programmes, which is causing chaos, especially in the indeterminate sentences for public protection—people cannot get out of prison until they complete their programmes, but there is no capacity to deliver those programmes. That leads to a situation that is unsatisfactory to the extent of being illegal.

Prisoners travel up and down the country, sometimes effectively and sometimes not. In fact, I recently visited Bedford prison, where I was told that the equivalent of the entire population of the prison turned over once every 50 days. In those circumstances, delivering rehabilitation is near to impossible. In addition to that, reoffending rates are high. It is that crisis that has led to the use of early release schemes and home detention curfews. I think that the hon. Gentleman is right that those programmes are being used without proper consultation because of the need for speed and the need to deal with the crisis. However, I part company from the hon. Gentleman on the reason given in the motion for the crisis. In effect, the Conservative motion says that the crisis has come about because the Government did not build enough prison places, and will continue because the Government will not deliver extra prison places in the future. That is not why the crisis is with us; it is with us because the wrong people are in prison.

My hon. Friend the Member for Teignbridge (Richard Younger-Ross) mentioned the mentally ill, and we might also consider the addicted. Some 70 per cent. of prisoners suffer from two or more recognised mental illnesses. Treatment must be the first priority. Yes, some of those people will have to be treated in secure facilities, but the first priority must be to help them, not to build new prisons. That is not the only issue; later in my speech I will talk about methods other than prison building—better methods—that could be used to prevent crime.

The hon. Member for Arundel and South Downs mentioned one member of the Cambridge Institute of Criminology, Nicky Padfield. Let me mention another, Professor Friedrich Lösel, who recently wrote that with the right changes in policy, we could reduce the prison that would mean serious policy changes that would have to be implemented over an extended period. I will return to that subject later.

First, I want to talk about the extraordinary statement in the first line of the Government amendment, to which the Lord Chancellor alluded. It is the line in which we are invited to welcome

"the Government's record in cutting crime by a third",

as though the Government could claim credit for the reduction in crime. I agree with the Lord Chancellor that there has been a reduction in crime, especially according to the British crime survey figures, although there has been a slight increase in recorded crime, but that is mainly in line with recorded crime figures across Europe. As he said, there have been a number of accounting changes that could easily explain that increase.

There has been a fall in crime, and there are three things to say about that. First, the reduction started in 1995, not 1997. Indeed, since 1995, crime has gone down by way over 40 per cent., and there were bigger falls per year in the final years of the Major Government than under the Labour Government. The second point is that there are no obvious differences between the trends in Britain and the trends in other western developed countries. In Canada, for example, crime is at its lowest for 25 years and has also fallen by a third since the mid-1990s. According to the international crime victim survey, in France, crime has almost halved since 1995. The survey also shows that in the three European countries that have kept comparable figures for the longest, namely Britain, Finland and the Netherlands, the pattern of crime over 30 years has been near identical.

It seems impossible to claim that the fall in crime is anything to do with this Government's policies. Indeed, it is quite difficult to claim that it has anything to do with any Government's policies. We are seeing the same pattern across the western world, which means that the fall must have more to do with social and economic conditions than with the details of Government policy in one country or another. Of course, this Government have form when it comes to claiming credit for global changes. They claimed the credit for improvements in the global economy.

Dan Norris (Wansdyke) (Lab): Is that why Liberal Democrat policy is not to imprison drug offenders?

David Howarth: That is not our policy. Our policy is to imprison offenders. If offenders happen to be drug addicts, they should receive treatment in prison, if prison is the appropriate sentence for their crimes.

Let me return to the point about claiming credit. What will happen when those chickens come home to roost? Researchers have found an overall relationship between property crime and economic conditions. The Government have claimed the credit for reductions in property crime in times of economic prosperity, but will they bear the blame when those conditions change and crime rises? If they do, I will be surprised.

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he third point to make about the claim of the fall in e since 1997 is that, since crime seems to have fallen ly everywhere else in almost exactly the same way—pt in Belgium, where something odd happened that one can quite work out—Britain remains near the of the list for the rate of victimisation. Some 22 per of people are the victims of crime in this country n average year, as opposed to 15 per cent., which is nal for the developed world. So it is true that the tion here is better than it was, but it is not good, it is still not good compared with other countries.

more important question than whether there has a general reduction in crime—a reduction in crime happened everywhere—is whether we are doing as as we could to prevent crime and to reduce reoffending. it is not obvious to me that we are. Reoffending s are extremely poor in Britain. The debate between wo Front Benchers was about whether the rates are se or remain the same. The plain fact is that they are About two thirds of offenders reoffend within two s. The reoffending figure is 73 per cent. for men veen the ages of 18 and 20 who are given custodial ences, and it is even higher for some sub-categories.

y contrast, in countries such as Denmark, which is similar in many ways to ours and very similar even aving only a slightly lower crime rate than ours—it ot in the category of countries, such as Portugal, have very much lower crime rates—reoffending s are astonishingly lower. In 2003, the rate was er cent.

avid T.C. Davies: Has the hon. Gentleman looked ner into that research on reconviction rates and sed that the longer that people spend in prison, the likely they are to reoffend and that the reoffending for people who spend four to 10 years in prison is t 33 per cent., which means that prison works?

avid Howarth: I have heard the hon. Gentleman e that point in the past, but that figure is produced he fact the people in that category commit very rent crimes from the people in the categories that given shorter sentences. However, he is right in one ect: we should be looking at what works to reduce ending. That is the crucial question. If prison ked in the way that he thinks it does, I would be ared to think about it as a way forward; but, rtunately, in general, it does not. Short sentences cially do not work.

e know about a number of different ways to sentence nders that work better. The most obvious one is orative justice, whereby the offender is confronted the victim and with the harm that has been done to ictim. Reconviction rates in restorative justice have consistently found in scientifically controlled riments to be much lower than when offenders are n other sentences. The difference varies between 15 26 percentage points lower—a vast improvement. It s even better for some more serious crimes than for serious crimes. It also helps victims with the trauma pain of being victims and helps them to overcome experience. One of the big questions that those of

Will the Lord Chancellor state when we are likely to see the evaluation of the London trials of restorative justice, which he promised would be published this month?

Mr. Straw: The evaluation was published on Monday. I am not trying to catch the hon. Gentleman out—he cannot be expected to be aware of everything that is published—but it was published on Monday to my virtually certain knowledge, because on Monday morning I went through the schedule of things that were due to be published, and it was one of them.

David Howarth: That is good news. I hope that the evaluation shows that restorative justice was successful in that experiment.

I do not want to go through all the other possibilities on sentencing, but I must mention some of them. There is good empirical evidence that shows that specialist courts, such as drug courts, work. Some interventions outside the criminal justice system work, too. For example, early intervention has been mentioned, and it will reduce crime in the longer term. Even simple things such as teaching basic social skills to children and teaching basic parenting skills to adults work.

Even after offending behaviour has been noticed, some evidence suggests that some forms of therapy work—for example, cognitive behavioural therapy works—but it is also true that other forms of therapy do not work. The important point is to act on what the evidence tells us. There are other ways in which we can act on evidence: hot-spot policing works; other forms of policing do not. There should always be room for new proposals, as long as they are independently evaluated and we work to the evidence rather than to the prejudices of the people who are advancing the ideas.

The right hon. Member for Leeds, West (John Battle) is no longer with us, but he mentioned Lord Ramsbotham's suggestion of young offender academies. That idea is worth trying, because it would build on what we know helps to reduce reoffending. We know that reoffending is higher where offenders have no job, where they are homeless, where they lack close relationships and where they are addicted to drugs and alcohol. Aspects of Lord Ramsbotham's proposal attempt to deal with each of those problems and with other problems that we know on the evidence are related to success.

Richard Younger-Ross: Is my hon. Friend surprised that such proposals have been tried in the past? A particularly successful scheme, which taught young offenders crafts and furniture restoration, was tried in Wilton, but it was closed down under the Conservatives, who believed that short, sharp shock was a better policy.

David Howarth: That is certainly the case, and I will move on to discuss what does not work. Other approaches may work, such as community justice panels, which have been tried in south Somerset—there is some evidence that that approach is successful.

We know that certain things will not work. Titan prisons have been mentioned, but the evidence suggests that they are unlikely to be successful. What do we know about unsuccessful interventions? Short, sharp shocks did not work; boot camps did not work; and

things have in common? They are all tough-sounding, popular and populist, but, most importantly, they do not work.

The same is true to a large extent, although not to a complete extent, of prison. Prison is by far the most popular sentence with the public, the media and the hon. Member for Monmouth (David T.C. Davies), but it does not work, at least not in the way it is implemented in Britain. That takes us back to the question why our prisons are so ineffective compared with, for example, prisons in Denmark. The Government amendment boasts about the Government's prison-building programme, which is bizarre in a country where prison is so unsuccessful. That approach might make sense in another country where prison is more successful, but not here. So, the central point is that over the years, vast resources have been poured into policies that we all know do not work. It presumably happened because those policies, as my hon. Friend mentioned, are more popular than the policies that we know will work. So, what do we do? It is not enough to say that sentences must be tough if toughness means ineffectiveness. Effectiveness should be the touchstone of policy making, not toughness. But the issue is worse than that. If we put into ineffective policies public money that we could have put into policies that work and reduce crime, in effect we allow more crime than there would have been had we put the money into the right policies.

Sir Alan Beith: I am reluctant to interrupt the careful flow of my hon. Friend's argument, but is not part of the problem the fact that some of the interventions that would work most effectively to prevent crime are completely outside the budgetary arrangement of the criminal justice system, residing in fields such as education, social services and the care system for children and young people? Effecting a transfer from the criminal justice system to those areas is something that our system seems congenitally incapable of doing.

David Howarth: It does indeed seem to be incapable of doing so, and that is one consequence of our system's over-centralisation. Once one places all the power in central Government, one ends up with such silos. It might be easier to undertake such work if we were to localise the system to a greater extent.

The point that I was trying to make was that every pound that we spend on an ineffective programme as opposed to on an effective programme is a pound that effectively increases crime. That means that Governments in search of popularity have been responsible for there being more crime than there should have been. We need to think about the issue in a new way. Perhaps the way to put it is like this: those who fail to take effective action against crime and instead take ineffective action are objectively pro-crime; they allow extra crime to happen. That is precisely what we must stop. A consensus among politicians of all parties—I do not exclude my own from this—has brought us to this situation of crisis, record prison populations and unsatisfactory short-term expedients, such as early release schemes and the extension of home detention curfews. We must move away from that system of thought. We need a new consensus—within the bounds of morality and common decency—that is built around what works, because until

9.3 pm

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): May I begin by apologising to the hon. Member for Arundel and South Downs (Nick Herbert)? I missed the first few minutes of his speech, because I had other, inescapable business elsewhere in the House, but no discourtesy was intended.

It is a pleasure to follow the hon. Member for Cambridge (David Howarth), not least because we share a surname. I take slight issue with one of the contentions in his speech. On reflection, he may care to rethink his position. He said that, basically, there seem to be no circumstances in which prison works. However, there can be a debate about what regime is most appropriate.

David Howarth: I did not say that. I was trying to point out that in different countries, prison works. In Denmark, reconviction rates are very low, and we need to think about why their prison system works far better than ours.

Mr. George Howarth: I am sure that there is no great difference between us, but I should make two points. First, manifestly, in one sense, prison at all times does work. By definition, anybody who is incarcerated is not at large to commit further offences. That is self-evident. The second point, which may be nearer to that of the hon. Gentleman than I am comfortable with, is that some regimes work better with certain kinds of offender than others, and we need to have a better understanding of how that process works.

Part of the debate has centred on the Carter report and the working group chaired by Lord Justice Gage, which is considering that report's implications. I want at this point to make a confession. A Member of this House is a member of that working group—namely, me. I therefore need to be careful about what I say during the course of the debate. I would plead with the hon. Member for Arundel and South Downs not to prejudge the report that the working group will produce. There has been a great deal of thought and work on the part of all its members as to how they should proceed. I do not want to prejudge the report, as it is not yet fully written and no definite conclusions have been arrived at, but he may find some of its conclusions interesting—he may even find reasons to agree with some of them.

Mr. Garnier: I am particularly interested in the right hon. Gentleman's response to the Secretary of State's assertion that Lord Justice Gage's working party may produce greater consistency in sentencing. Is it actively considering that, or is it only in the mind of the Secretary of State?

Mr. Howarth: If the hon. and learned Gentleman will let me develop my speech, I may answer that question in a slightly different way, but I hope that he will recognise it when I come to it.

It is important that I flag up some of the issues without arriving at definite conclusions from points that the working group has considered, which echo some of those made by the hon. Member for Arundel and South Downs. The first issue is judicial independence and whether anybody who managed a sentencing system

George Howarth]

delines Council have, to some extent, an influence udicial decision making. There is still a lot of scope hose who decide on sentences to be able to decide in the ranges that are produced what is an appropriate ence in an individual case. They are not tied down he guidelines, but the guidelines must have some ience on the decisions that are arrived at. There is udy an element of that in the system, if not to the ee considered by Lord Carter.

lr. Garnier: The right hon. Gentleman touches on nteresting area of conflict between the Executive the judiciary. At the moment, the court of criminal eal provides the sort of guidance that the Secretary tate and the right hon. Gentleman have been looking If the new body comes to fruition, it will be an utive body that provides yet another layer of "guidance" entences. Although there may be some variation in encing between magistrates court areas, does he not pt that the variations often reflect differences in l concerns? What may be an appropriate sentence a crime in the Liverpool area, where a particular of crime is prevalent, may not be necessary in her part

ladam Deputy Speaker (Sylvia Heal): Order. May I nd the hon. and learned Gentleman that interventions meant to be brief? There are still a number of Back chers wishing to make a contribution to this debate.

lr. Howarth: The hon. and learned Gentleman is umably aware that the Sentencing Guidelines Council udy exists and is a long way along the road of lishing fairly comprehensive guidelines on a large ety of key offences. That process is already under The issue of inconsistency between one magistrates t area and another is complicated, and if I got ily into that, my speech would take longer than it uld. For certain offences, there has to be consistency. hon. and learned Gentleman intervened; perhaps ould do me the courtesy of listening to the response. re are some types of offence—not necessarily those will be heard in magistrates courts—for which it ld be absurd if there were not consistency, particularly e serious offences, and I am sure that he would e.

he second issue that I wanted to mention concerns data we have and how well we understand decisions n in sentencing, whether in a magistrates court or a er court by a judge. When they depart from guidelines, need to know how they have arrived at a decision—ther it was by taking into account aggravating or gating factors. We do not have a great deal of data hat at the moment, and it is difficult to understand t is going on in such circumstances. The working up has conducted a survey of where there are such ations, and those interested in such matters may its conclusions interesting. It is not complete yet, the information has not been analysed, but I suspect the information provided by that survey—probably irst of its kind—will be useful to all of us.

visited Minnesota and North Carolina, which have sentencing commissions. Without revealing too much of the thinking, it is understood that those two types of system are not appropriate for our judicial process. I do not think that it would be appropriate for me to go much further, but difficulties lie in the differences between the sort of legal system that exists at state level in the United States and what we have in this country. The hon. Gentleman need not concern himself overly with the comparisons that may be made between the two.

My final point concerns the relationship at the heart of the discussion between the totality of sentencing decisions and the correctional facilities available, and how we arrive at a balance between the two. I probably have more sympathy with the hon. Member for Arundel and South Downs than I ought to about this, but at the moment we deal with the matter through a form of early release system. That is not unique to this Government: every Government have had to do it from time to time. In my view, that is entirely unsatisfactory because it means that decisions are fairly arbitrarily taken away from the courts. If a court decides that somebody should be sentenced in a given range, and an early release system of some sort kicks in, the offender does not serve the sentence in that range. That is unsatisfactory, yet we currently do that. It is certainly not the answer.

The second method of dealing with the problem is providing sufficient headroom in the correctional facilities that are available so that, whatever the number of people sentenced, there will always be room. That is an attractive proposition, but is any Parliament, when determining the funds for social policies—health, education and so on—likely to vote sufficient funds to a prison estate that will be larger than anyone can predict to ensure that there is never a crisis in the prison system? I suspect that, if we are honest and realistic, that will never happen.

There must be a system of balancing the two methods. Overcrowding is the other method that has been mentioned, but what constitutes overcrowding is a difficult debate to hold, and I should probably not follow that route, other than to acknowledge that it is one way in which to deal with the problem.

I honestly believe that there is scope for changes that should attract a consensus in the House. I hope that the hon. Member for Arundel and South Downs and his colleagues will not prejudge the report of the working group, on which I serve. I hope that they will give it serious attention and accept that, although I sit on it, the group set about its work on a non-partisan, non-party political basis. I did not make my contributions on a party political basis. We have given the matter serious thought and I hope that those who read the report will recognise that, whatever its conclusions, it has been produced in a non-partisan spirit, in the hope of attracting some consensus.

9.17 pm

Mr. Humfrey Malins (Woking) (Con): As always, I begin by declaring an interest as a Crown court recorder and a part-time district judge. Sentencing is an important issue and it is a pity that the debate is not longer, that it

I speak from experience in the House and in the courts across London and the south-east. In the time available, I want to focus on sentencing, especially in relation to two crimes and our approach to them. First, I want to consider knife crime. We are in the age of the blade, and all hon. Members will have been horrified in the past few months by so many nasty knife crimes around London and other cities. Some have been mentioned tonight.

I have been in court and listened to witnesses describe what it is like when somebody brings out a knife—the flash of steel, the terror, the legs turning to jelly; the evil of a knife when it is shown to one. I heard a troubling statistic when the Violent Crime Reduction Bill was considered in Parliament three years ago and I asked about knives in schools. I was told that, according to Government figures, some 20,000 children aged 11 to 16 carried a knife into school for offensive purposes and some 40,000 children aged 11 to 16 carried a knife into school for defensive purposes—60,000 children with knives in our schools.

It was and is an horrific figure, and it should trouble us all tonight much more than anything else that we have heard. How can it be, in this age of the blade, that 60,000 children are taking blades into school? What about the children outside school, across the cities? How many tens of thousands are carrying knives? How many hundreds of thousands? If Government figures say that 60,000 children are taking knives into school, we are facing a true tragedy, but we have not got to grips with it.

There have been far too few prosecutions. In 2005, only 73 youngsters were prosecuted for having a bladed article or offensive weapon on school premises. Only a modest amount received any form of custodial sentence. It is no wonder the public are in despair. Can someone not get to grips with knives in school? What are we going to do? The police and head teachers have plenty of powers already. Somebody, somewhere, has got to send out the message that it will not do for 11 to 16-year-olds and 16 to 18-year-olds to carry knives, and that it will be punished with custody.

In debates on what became the Violent Crime Reduction Act 2006, I suggested a mandatory three-month sentence for such offences, unless there were exceptional circumstances. What happened? The Government rubbished my proposal, saying that there were probably not enough prison places. What summed up the Government's position at that time? I shall tell you, Madam Deputy Speaker. As I said in Committee, they had answered a written question, saying—can you credit this?—that

> "It is essential to educate young people about the dangers and consequences of becoming involved in criminality associated with weapon-carrying and the Home Office funds and operates a number of community-based initiatives aimed at encouraging good citizenship and turning vulnerable young people away from crime." —[*Official Report*, 3 November 2004; Vol. 426, c. 300-301W.]

Encouraging initiatives? Tell that to people on some of the estates that I have seen in London. We in this House must send the message that knife carrying among young people must be stamped out, and stamped out hard.

I turn to my next point. Come with me to a court in south London, Madam Deputy Speaker, and look over charged with stealing £60 worth of razor blades yesterday from a local supermarket. Why? To sell them, to get the money to buy his heroin. He looks a beaten man. He looks quite elderly. I ask him how old he is. He says 26. This is his 35th conviction in that court for a drug offence. He steals to fund his habit.

When are we going to get to grips with the issue of drugs? Every heroin addict I have seen—and my God they come from some bad backgrounds; I shall say a word about that later—started with cannabis and solvents at the age of 11 or 12, and moved on to cocaine, crack cocaine and heroin. They are ruined at 26 years old. They have no self-esteem. They come from the most rotten estates.

Mrs. Madeleine Moon (Bridgend) (Lab): Does the hon. Gentleman not agree that this Government have done more than any other to help support people who have problems not only with drugs but with alcohol? I appreciate that there are not enough services in my constituency, but they are there and we are starting to tackle the problems faced by people with drug and alcohol problems who go on to commit crimes.

Mr. Malins: Oh, if I had time tonight, I would tell the hon. Lady just where the Government have failed. She was not here earlier when we discussed drug treatment and testing orders—the great panacea—which were introduced a few years ago. Does she know anything about them? They collapsed—abandoned; failed—with an 80 per cent. reoffending rate and a 90 per cent. breach rate. Does she know that? She comes out with these platitudes about what the Government are doing here and there, but they need to do a lot more.

What about the young man from the rotten estate, who has a Prozac-addicted mother and a violent father—alcohol, no self-esteem, no education, no job, nothing—and who has to be sentenced? He has drifted into heroin and we have got to get him out of it. It is no good sending him day after day through the revolving door of prison. That is no good at all. What we have to do is think constructively, which brings me to my last point on sentencing.

We should think more about residential rehab for drug offenders. I have seen it; I know it can work; I have passed the sentence. There are no statistics showing how successful it is, but my goodness it can often be better than prison because sometimes these heroin addicts are victims just as much as criminals. Something has to be done. Prison costs £800 a week; residential rehab, on average, costs £675 a week. All around the country, these residential centres cannot get enough money; there is no money around. Yet the judges want to pass that form of sentence more and more.

There are two further issues. First, on knives, we have got to do something rather than just talk about it and snatch a headline, which we can all do from time to time. Secondly, drugs are, in my judgment, the biggest evil that the criminal justice system has faced during the past 15 years. It is the thing that destroys most lives and ruins otherwise good young people. I repeat that we have got to take a more positive attitude.

What is my last word? Cannabis. Sentencing on cannabis

r. Malins]

cited and destroyed. Next case, please." Spare a ught for the next case, which is crossing a red traffic t—the penalty: £100. We do not take it seriously ugh, early enough. That is my last comment.

pm

Mark Pritchard (The Wrekin) (Con): I am conscious he time, so I shall be brief in order to allow my hon. end the Member for Monmouth (David T.C. Davies) hare his important thoughts with us. I congratulate hon. Friend the Member for Woking (Mr. Malins) making a speech that was brief, but also wise and ughtful; he is a man of great experience and integrity.

he Secretary of State was slightly embarrassed earlier en my hon. Friend the Member for Arundel and th Downs (Nick Herbert) reminded him of the ord prison population—and rightly so, because rcrowding is unhealthy, it increases risk and is perhaps lf unlawful. My concern is for prison staff, as I eve overcrowding is increasing the number of assaults them. It clearly causes great stress within these lities. Indeed, prison officers are often going off k with stress, which in some cases leads to long iods of sick leave because of the extra pressures in rcrowded prisons. The Government have a duty to k after not only the prisoners but, perhaps even re so, the prison staff within their employ. They are ing to do that.

would like to focus on Shrewsbury prison, which is ajor prison in Shropshire and the nearest to my own stituency. The prison provides accommodation for prisoners, but the actual population, on the basis of ures released just a few months ago, is 329. That ans an overpopulation of 182 per cent. Shrewsbury son is the most overpopulated prison in England and les. That is a disgrace, not only for those seeking cation and rehabilitation within the prison so that y do not carry on reoffending, but for the hard-working, mmitted and dedicated public servants who staff the son.

We heard earlier from the right hon. Member for eds, West (John Battle), but he neglected to tell the use that Leeds prison is currently 151 per cent. rpopulated. It is wrong that West Mercia police are ng called upon time and again to act as full-time todial officers, taking prisoners not only from Wales from parts of the west midlands such as lverhampton. Once again, that is down to the neglect l failure of the Government. The right hon. Member Knowsley, North and Sefton, East (Mr. Howarth) d earlier that he did not want to be partisan or party itical—absolutely not, but it is interesting that those nments are made only when the Government are perate for friends; when they do not need friends, y are very happy to be adversarial and partisan. On issue of such importance, it is right that we bring the vernment to account, as we are attempting to do this ning.

would like more thought given to the number of eign nationals in our prisons. Of the 83,000 people y in prison, 11,000 are foreign nationals. We need a some financial arrangement with the home countries. I suspect that it would be less than the £30,000 a year that it costs the British taxpayer to fund prison places for each individual.

We have heard about rehabilitation. It is absolutely right that we should try to get people off drugs and rehabilitated. I am glad that my right hon. Friend the Member for Witney (Mr. Cameron) is committed to having 20,000 extra drug rehabilitation places. I commend him for that. Education, libraries and access to learning are also crucial. Of course, as we have heard, all those are stagnating because of the current overpopulation of many prisons.

The third sector—the voluntary or charitable sector—provides many answers to many of the problems discussed tonight. Yet the Government are not freeing up the organisations within it, and not giving them enough access to come into prisons to provide those valuable solutions that we all seek.

I commend prison chaplains on their excellent work. I hope that political correctness, or pandering to certain minorities, does not mean that the Government put up barriers to their excellent work. I hope that the Minister of State, who is looking slightly confused, will go on the record as saying that he supports the work of prison chaplains, and that he would speak to any prison governor who tried to throw them out because of political correctness.

Mr. Hanson: I support prison chaplains, and I support prison imams and people from all faiths who help in prisons.

Mark Pritchard: I hope that those words will be noted by any prison governors who believe that prison chaplains are not suitable for the modern prison.

Mr. Hanson: If the hon. Gentleman can give me any evidence of that, I would welcome it and look into the matter.

Mark Pritchard: I am grateful that my fishing skills are still working. I am pleased that the Minister took the bait, and I will be happy to do that.

We heard about bail hostels. My hon. Friend the Member for Arundel and South Downs (Nick Herbert) was right that ClearSprings needs to come clean about where it operates and the types of people within its hostels. I believe that there is one ClearSprings bail hostel in my constituency, and possibly three, but there has been no public consultation. There certainly has been no consultation with the local council. Why is it that yet again the Government seem to be putting the rights of criminals before the rights of law-abiding citizens such as my constituents? It is absolutely wrong.

In conclusion, it is a great paradox that we have a Government who want to let out prisoners who we know have committed offences, but want to lock up British people who we know have not committed offences. They are failing in their first duty to protect British citizens and my constituents, and they have to get their act together.

9.33 pm

David T.C. Davies (Monmouth) (Con): It is clear from what we have heard tonight that the current system of sentencing is nothing but a sham, a disgrace and a

fact, and in many ways it predates even this Government. At the moment, someone sentenced to one year in prison will spend about three months inside, someone sentenced to two years will spend about seven months inside, and someone sentenced to four years will spend just one year and seven months inside. Let us not forget that a four-year sentence is seen as a very serious sentence, and handed out only for crimes such as armed robbery.

Ms Dari Taylor: Will the hon. Gentleman agree and accept, on the Floor of the House tonight, that the number of convictions fell by a third under a previous Conservative Administration, and that more people are in prison under this Government than was ever the case then?

David T.C. Davies: The hon. Lady is trying to do what the Home Office does—blind us with statistics. One of the reasons there are so many people in prison is the number of foreign nationals who were not here under the Conservative Government. If we look at the number of indigenous British people in prison, we see that the overall number is not much greater.

This is yet another example of the way in which statistics are twisted and turned in an attempt to hide the fact that this Government are soft on crime and very soft on sentencing. Perhaps that is because they have swallowed too much of the anti-prison propaganda that has been emerging for far too many years from the Howard League for Penal Reform and many similar organisations—which, I might add, are not even prepared to debate the issues in public. Every time I receive an invitation to attend one of their conferences I write back, "Give me five minutes, give me three minutes, give me one minute, and I will stand up on the platform and prove that you lot are absolutely wrong." They never even bother to reply.

The reason those organisations are wrong is that they talk about the costs of prison, which is an argument that we heard earlier this evening. Let us examine those costs.

Mr. George Howarth: Will the hon. Gentleman give way?

David T.C. Davies: I will give way in a minute, but the right hon. Gentleman should listen to this first.

We spend approximately £2 billion imprisoning 80,000 people. A report produced by the Government back in 2000 suggested that the total cost of crime in our society was about £60 billion a year. In 2003 Lord Carter—another supporter of the Government, I believe—produced a report showing that 50 per cent. of crime in this country was committed by a hard core of 100,000 offenders, of whom only 15,000 were in prison at any given time. The other 85,000 were on the loose, presumably serving community sentences.

The simple fact that we can deduce from that, using the Government's own figures, is that if we doubled the prison population from approximately 82,000 to approximately 160,000, removing the 85,000 people who are committing half the crime in the country, it would of course double the cost of imprisonment from £2 billion we halved the amount of crime in the country. That means that prison is a bargain for the taxpayer, and the more prisons we can build the better.

Mr. Howarth: I greatly regret the fact that the hon. Gentleman has been denied a platform for his views. Has he given any consideration to resigning and fighting a by-election on the issue?

David T.C. Davies: I assure the right hon. Gentleman that I do not intend to do that: I intend to go on fighting for what I believe in here. I can also assure him, however, that if I ever were to do it, a large majority in this country would support me. Anyone who has been a victim of crime believes that prison works, and prisoners do not want to go to prison. That is why all defence solicitors try to obtain community sentences for their clients.

Community sentences are not tougher. I have seen them in action. I could tell stories of people serving so-called tough community sentences effing and blinding at staff, demanding that chips be brought to them because they cannot be bothered to queue. I have stood and watched that happen. I have friends in the police force who have seen people serving community sentences who have been unwilling to get off the bus because there is a light drizzle: they do not want to get wet because that would infringe their human rights. That is the reality of community sentences: they are not in the least bit tough, which is why all defence solicitors try to get their clients community sentences rather than prison sentences.

The arguments about deterrence and reconviction rates do not add up. We know that the rate is about 60 per cent. in generic terms, whether people are serving a community sentence or a prison sentence, but if we break prison sentencing down, as I did earlier, we see that the longer prisoners serve, the less likely they are to reoffend. That is not simply because many are serving life sentences because they have committed murder. Those who are sentenced to between four and 10 years in prison are only 33 per cent. likely to reoffend within two years. The reason is simple: as any prison officer will confirm, those dealing with these people need a bit of time to work with them.

This is where I suddenly become a bit more fluffy and *Guardian*-reading. *[Laughter.]* Yes, it is a bit of a shock, isn't it? There are things that I heard earlier with which I actually agreed. Many people who end up in the penal system come from very difficult backgrounds. Typically they have no education and no social skills, and they have drug and alcohol problems. We can all agree on that. But we will not help people like that by sentencing them to a year in prison and then letting them out three months later, returning them to the estates where their problems began.

I do not have enough time to say more about this now, but I do not believe in throwing people into a cage and leaving them there. I believe that much more needs to be done in prisons to help those with drug and alcohol problems, and to give them the vocational skills—perhaps even academic skills in some cases—that will allow them to obtain jobs in the outside world. At the same time, I would be a little tougher and say, "If they're not prepared to take advantage of the opportunities

vid T.C. Davies]

is obvious from the Government's own figures that on works, that it is good for the taxpayer, that it is d for the victims, who get justice, and that it can also good for the prisoners themselves. I commend my . and learned Friend the Member for Harborough Garnier), who I am sure will be this country's next ice Minister, for the work that he will do in building re prisons and putting more people who deserve to there into prison, but also in helping those with ous drug problems to get help elsewhere, so they do get wrapped up in the penal system.

) pm

Mr. Edward Garnier (Harborough) (Con): This has n a short and overcrowded debate, and I am sorry t there has not been long enough for other Members contribute—or for Members of my party to speak longer, as in the limited time they have had there e been some stellar speeches. That demonstrates that party, at least, has thought about the questions we e today.

Before I deal with the motion and the Government endment, I want to highlight a couple of points that e been made in the debate. It pains me—not very ch, but somewhat—to have to say that the Secretary State can never be accused of rising to the occasion. I sorry that he is not present. I think he must be the y Cabinet Minister who is able to make an after-dinner ech well before dinner. It concerns me that he is able treat a subject of such importance with such levity. I r that the longer he remains in office, either as Home retary or as Secretary of State for Justice, the less nce we have of seeing a coherent strategic approach the criminal justice issues that our motion describes. t us hope that the Minister of State, who has thought out these issues with greater concentration, is able to n up on behalf of the Government in more attractive hion.

The Secretary of State rightly said that the number of apes from category A prisons is now down to more less zero, but the real issues nowadays for security in sons is not who escapes unlawfully from the custodial ate—the open estate is a different matter, of course—but at contraband gets in either over the walls or through itors or prison officers smuggling stuff in. That statement es me the opportunity to agree with Members who ve paid tribute to those who work in prisons: prison d probation officers, those who work in the education vice in prisons, and all those who work to keep the ople whom the courts have sent to prison safe, in an empt to rehabilitate and reform them so that they me back on to our streets, as many of them do, in a tter condition and fitter to spend their time back in ciety, looking after themselves and their dependants d paying their way.

That is not an easy task. I have visited more than custodial institutions since I was appointed to this o, and I can assure anybody who doubts it that isons are not pleasant places to work or live in. We ve a Government who were prepared, through neglect, allow Norwich prison, for example, to continue to be n in a state of filth, with sewage leaking out of the Government who were prepared to allow that to go on—and to do so because they had so managed the system that it was overcrowded and they could not decant the wing in order to repair it—we have a Government of which I, and I think most civilised and rational people, despair.

My hon. Friend the Member for Arundel and South Downs (Nick Herbert) set out the case that my party makes against this Government, and one looks to their amendment to see how they respond to that charge—one does not look to the Secretary of State's speech for that, because it did not provide the answer. The Prime Minister's amendment claims that we should welcome

> "the Government's record in cutting crime by a third, its provision of 23,000 more prison places since 1997, and its commitment to create a total of 96,000 prison places by 2014, demonstrating that public protection is at the heart of its strategy"

One has only to examine the facts to see that violent crime, particularly crime involving knives and guns, has increased. The overall level of crime may have been reduced, but the public are rightly worried.

People realise that our prisons are more overcrowded than they ever have been, and that the rise in the number of prisoners from 60,000 to 83,000 should not be a point of pride. It should be a point of shame, especially when one considers what is done for prisoners inside prison—nothing. That is not because the prison officers are not doing enough work or because the educationists are not doing enough to help, but because the Government have so overcrowded the prison estate that nothing meaningful can be done to assist in their rehabilitation.

Until we can get reformed and rehabilitated prisoners who come out into society as useful citizens, the reoffending rate will remain as high as it is. Until we can do that, and until the point made so eloquently just now by my hon. Friend the Member for Woking (Mr. Malins)—he has made it before, but it appears not to have touched the consciousness of the Government—is drilled into the Government's brain, nothing will be done and this hopeless carousel of people appearing before him and before me when we sit as recorders and as sentencers will continue. Nothing will be done in terms either of the moral rightness of the case about which we complain or of public expenditure, and I congratulate my hon. Friend the Member for Woking on what he said.

I also listened with great care to what the hon. Member for Cambridge (David Howarth) had to say. I did not go to Cambridge—I went to an older university—but I think that many who did, including perhaps my hon. Friend the Member for Arundel and South Downs, will have felt that the hon. Gentleman's speech was like a law lecture given in the faculty.

David Howarth: It was not that good.

Mr. Garnier: No, it was not that good, but it was thoughtful and constructive speech. I enjoyed listening to it and I hope that the Government will pay attention to it.

I also found the speech made by the right hon. Member for Knowsley, North and Sefton, East (Mr. Howarth) thoughtful. The interventions that were made upon him were deliberately designed to find out

was a member of it, but, having heard him speak, I am glad that he is. I take him at his word when he says that he is not interested in making party political points during its deliberations, because I am sure that he is not. I look forward with interest to reading the final recommendations of that working party, as I am sure we all do.

None the less, I retain my concerns about the motives behind the setting up of the working party and about this dangerous collision point between the Executive and the judiciary—I leave aside the concerns that we have as parliamentarians—on the interference with judicial discretion on sentencing. Sentencing is about the most difficult judicial task that sentencers have to carry out, and although the sentencing commission might be set up for one purpose, we need to be extremely careful that it does not achieve another.

My hon. Friends the Members for The Wrekin (Mark Pritchard) and for Monmouth (David T.C. Davies) were crammed in at the very last moments of this debate and, not for the first time, they made some powerful points very powerfully. Time does not permit me to speak sufficiently about what they had to say.

It is not an idle boast when I say that the Conservatives are genuinely thinking hard about the issues that face us. The prison population is too high for the available capacity, and we want prisons to do what they cannot do at the moment: we want them to become places of education, hard work, rehabilitation and restoration. That would mean that prisoners who justly go to prison for committing serious crimes come out repaired, not only so that they do less harm to themselves, but so that they do real good to their families and those who live close to them.

Some £11 billion is wasted in the criminal justice system on reconvicting people, and we want to unlock that money and use it to get people off drugs, to teach people to read and write and to make them employable. It really will not do for the Secretary of State and his Ministers to tell us how much money they have put into the system, if nothing comes of it.

My hon. Friend the shadow Secretary of State had an exchange with the Secretary of State about the Prison Service instruction on those unlawfully at large. Again, I am afraid that time does not permit me to go into detail, but that is a live issue that the Secretary of State needs to resolve. The public cannot be expected to have any confidence in the criminal justice system if they get the impression that people who escape from prison and are unlawfully at large are rewarded, when they should not be.

My 10 minutes are up, and I must not trespass on the Minister's time. I have much more to say, and I hope that the fact that I am bringing my remarks to a conclusion will not give the Government a chance to say that we have nothing to say. We have—it is in our paper "Prisons with a Purpose". I urge the Minister to read it, learn from it and produce policy on the basis of it.

9.51 pm

The Minister of State, Ministry of Justice (Mr. David Hanson): We have had an interesting debate, which several points that he has made on other occasions. Speeches from Back Benchers ended with a particularly fiery one from the hon. Member for Monmouth (David T.C. Davies). We do have several anger management courses in prison in which he could participate if he so wished. We also heard, as the hon. and learned Member for Harborough (Mr. Garnier) pointed out, some thoughtful speeches, not least from the hon. Member for Cambridge (David Howarth), my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) and the hon. Member for Woking (Mr. Malins). This last raised the serious issues of knife crime and drugs. I hope I will have time to address some of those issues in some depth, if not to the complete satisfaction of Members.

As my right hon. Friend the Secretary of State said, the Government have a good record on prisoners and crime. The chance of being a victim of crime is at its lowest level for 25 years and more offenders are being brought to justice. Reoffending rates have also fallen significantly, but we face real challenges that we must address as part of our work on prisons. Members have raised the question of prison numbers and how we can address reoffending. The hon. Member for Cambridge raised the important issue of who we put in prison and whether we need to consider reoffending in a new way. The hon. Member for The Wrekin (Mark Pritchard) also raised the key issues of foreign national prisoners and the need to protect and support our prison staff.

I certainly echo the tributes paid by the hon. and learned Member for Harborough to the important work done by prison staff. He also drew attention to the need to support that work and to protect the safety of staff. That is why I take exception to the points made by the hon. Member for Arundel and South Downs when he accused staff of simply warehousing prisoners. That is not the case, nor is it part of our overall plan to tackle offending and reoffending.

My right hon. Friend the Member for Knowsley, North and Sefton, East mentioned the need to consider sentencing balance, and he set out an important set of principles and topics for discussion. He said that he had not yet reached conclusions, and my right hon. Friend the Secretary of State and I give a commitment to consider his conclusions positively when they are produced.

The issue of prison places was central to the debate. We provided 1,700 new prison places last year, and 2,422 to June this year. When the hon. Member for Arundel and South Downs says that the Labour Government have failed on prison places, I remind him of the fact that since March 1,240 prison places have been delivered. When he goes, as I hope he will, to visit Stoke Heath, Erlestoke, Albany, Send, Ranby, Lewes, Portland, Stocken, High Down, Blundeston, Wandsworth, Brinsford, Acklington, Kirklevington Grange and Wayland, he will see new prison places tackling the new prisoners who are coming in to those places because we are bringing more offences to justice. I hope we will bring forward more prison places before the end of the year.

The difference between the Opposition and the Government is that we have put £1.2 billion of new money from taxpayers' resources into the system in this comprehensive spending review settlement. We will put

Mr. David Hanson]

o suggest the hon. Member for Arundel and South Downs would rather put into tax cuts than into public pending and public services.

Important issues about preventing reoffending were mentioned by the hon. Member for Cambridge and thers. It is important that, as the hon. Member for Woking suggested, we look at what we do about drugs nd drug dependency. It is important that we do that in he community through better use of community sentences, nd that we invest in services in relation to drugs in rison. The hon. Member for Monmouth mentioned rugs in prison, too, and I remind the House that Mr. Blakey, a former member of Her Majesty's inspectorate f constabulary, has produced a report for my right on. Friend the Secretary of State on drugs in prison, hich we intend to publish shortly. It considers how we an improve the regime in prisons and the community.

The question of employment and raising the levels of teracy and skills was mentioned by the hon. Member or Cambridge and is absolutely vital. It is not just bout putting people in prison for punishment, although unishment is extremely important but was lacking in he hon. Gentleman's speech. It is equally important hat we do with people when they are in our system.

We certainly have to do more work on education, aising literacy and numeracy and securing support for mployment and training. That was why I was particularly een only last week to join my hon. Friend the Member or Tooting (Mr. Khan), the Government Whip on the ench today, in a visit to Wandsworth prison where we aw key examples of training in computers, literacy and abling. We are working with private sector employers rom outside Wandsworth prison and with the Under-ecretary of State for Innovation, Universities and Skills, y hon. Friend the Member for Tottenham (Mr. Lammy), ho is also on the Front Bench today, to look at how we an link employers outside prison with offenders in rison to raise their skill levels, get them into employment nd ensure that they have the opportunity to change heir lives on their exit from the prison system.

As was mentioned, we also need to look at whom we ut in prison. Members will know that we have ommissioned my noble Friend Lord Bradley to look at he issue of mental health. He will be reporting shortly o the Under-Secretary of State for Justice, my hon. riend the Member for Liverpool, Garston (Maria agle), the Secretary of State and me on the question of ental health interventions and whether or not we can nd alternatives to prison for certain prisoners who ave mental health issues. We are also putting in place a ange of provisions to consider cognitive behaviour rogrammes and the need for offenders to complete dditional work on those issues.

The hon. Member for Woking also mentioned the mportant issue of knife crime. I take his points extremely eriously. He will know that we have doubled the maximum rison sentence for possessing a knife in a public place o four years and that we have given school staff extra owers to search pupils for weapons. We have banned amurai swords and supported increased stop-and-search owers for police. Indeed, with my right hon. Friend the ome Secretary we have recently introduced 100 portable nife arches and 400 search wands. Knife crime is a

UK, but those that are affected are affected very seriou I take very seriously the hon. Gentleman's points ab what we need to do.

The Labour Government are providing the resour for extra prison places, tackling reoffending and mak sure that we reduce crime, as we have done over the p 11 years. I challenge Conservative Front Benchers ensure that if their party formed a Government would provide the necessary resources. It would not so; it would not tackle reoffending, as we are doing commend the Government amendment to the Ho and oppose the Opposition motion.

Question put, That the original words stand part the Question:—

The House divided: Ayes 147, Noes 320.

Division No. 224] **[9.59**

AYES

Atkinson, Mr. Peter
Bacon, Mr. Richard
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Morrison, Dr. Andrew
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James

Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim

Tellers for the Ayes:
Jeremy Wright and James Duddridge

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brake, Tom
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan

sborne, Sandra
wen, Albert
lmer, Dr. Nick
askitt, Mr. James
ope, Mr. Greg
ound, Stephen
entice, Bridget
entice, Mr. Gordon
ice, Adam
marolo, rh Dawn
osser, Gwyn
rchase, Mr. Ken
rnell, rh James
aynsford, rh Mr. Nick
eed, Mr. Andy
eid, Mr. Alan
eid, rh John
ennie, Willie
ordan, Mrs. Linda
obinson, Mr. Geoffrey
ogerson, Dan
oney, Mr. Terry
owen, Paul
y, Mr. Frank
ane, Chris
ssell, Bob
ssell, Christine
an, rh Joan
nders, Mr. Adrian
abeck, Alison
arma, Mr. Virendra
aw, Jonathan
eridan, Jim
mon, Mr. Siôn
ngh, Mr. Marsha
inner, Mr. Dennis
nith, rh Mr. Andrew
nith, Ms Angela C. *(Sheffield, Hillsborough)*
nith, Angela E. *(Basildon)*
nith, Geraldine
nith, rh Jacqui
elgrove, Anne
ulsby, Sir Peter
uthworth, Helen
ellar, rh Mr. John
arkey, Dr. Phyllis
ewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Siobhain McDonagh and Ms Diana R. Johnson

Question accordingly negatived.

Question, That the proposed words be there added, *t forthwith, pursuant to Standing Order No. 31 (Questions amendments):—*

The House divided: Ayes 280, Noes 184.

vision No. 225] **[10.15 pm**

AYES

bott, Ms Diane
ger, Nick
sworth, rh Mr. Bob
xander, rh Mr. Douglas
en, Mr. Graham
derson, Mr. David
uerson, Janet
stin, Mr. Ian
iey, Mr. Adrian
lls, rh Ed
nks, Gordon
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John

Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, rh Joan
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Siobhain McDonagh and Ms Diana R. Johnson

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brokenshire, James
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Campbell, rh Sir Menzies
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mulholland, Greg
Murrison, Dr. Andrew
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter

nick, David
, Mr. Andrew
Mr. Andrew
Mr. Shailesh
's, Sir Peter
, Mrs. Theresa
r, Mr. Charles
ce, Mr. Ben
son, Mr. Nigel
nson, Angela
Steve
n, Bill
s, Mr. David
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Younger-Ross, Richard

Tellers for the Noes:
James Duddridge and Jeremy Wright

vestion accordingly agreed to.

R. SPEAKER *forthwith declared the main Question, as ded, to be agreed to.*

Resolved,

at this House welcomes the Government's record in cutting by a third its provision of 23,000 more prison places since and its commitment to create a total of 96,000 prison places 4, demonstrating that public protection is at the heart of its cy; further welcomes the Government's commitment to e the End of Custody Licence Scheme when headroom ; notes that the use of police cells is much lower than under revious administration; further welcomes the tough and ve community sentences that have been introduced and the done to increase public awareness of their role and effectiveness, e further investment in intensive alternatives to custody to ue to build the confidence of sentencers in their effectiveness, nonstrated by significantly reduced re-offending rates; notes pect of the Bail Accommodation and Support Service that Springs is required to consult the police, local authorities obation to avoid inappropriate property locations; considers here should be greater consistency in sentencing and the tunity for a focused and informed debate on sentencing ed by the work of the Sentencing Commission Working on the potential for a structured sentencing framework; rther welcomes the reforms which have been made to the justice system including the strengthening of alternatives to y.

PETITION

Post Office Closures (Staffordshire)

pm

David Kidney (Stafford) (Lab): Some 578 people ve in or near the village of Great Bridgeford near rd have signed this petition to save their post from closure as part of a community-wide campaign p the post office as part of their community.

e petition states:

Petition of residents of the village of Great Bridgeford in ish of Seighford and surrounding areas in the county of d against the closure of their rural post office.

lares that the supporters recognise the importance of the fice and shop to their community, which they depend on as ly retail outlet in the village of Great Bridgeford, and the current closure plan.

Petitioners therefore request that the House of Commons he Secretary of State for Business, Enterprise and Regulatory to instruct Post Office Ltd. to keep Great Bridgeford post pen.

the Petitioners remain, etc.

[P000214]

PFI Contracts

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

10.28 pm

Mr. Ian Liddell-Grainger (Bridgwater) (Con): I am grateful for the chance to introduce this debate. Before I go into detail, it is my duty to declare two specific and important interests in this matter. First and foremost, I am obviously a Conservative, and it was the last Conservative Government who introduced the private finance initiative in 1992. I have absolutely no objections whatsoever to well-planned PFIs. They make good financial sense, the risk capital comes from the private sector and a decent cut of any reward is designed to end up in the public purse. The Treasury measures success by the simple yardstick that PFIs must be fair, and above all, accountable. They have a highly detailed standard contract procedure, which is understood by all parties. Private finance initiatives have their critics, and things can go wrong, but they are the most tried and trusted example of private partnerships.

My second declaration of interest is much more important. I have a financial stake in the private partnership that we are considering. I live in Somerset and pay taxes to Somerset county council. I have thus become a small shareholder in a huge new joint venture, brokered by the county and run by the global computer giant, IBM. The company is called Southwest One.

The Under-Secretary of State for Communities and Local Government, the hon. Member for Gloucester (Mr. Dhanda), will be familiar with many of my concerns because we have discussed the matter privately and in this place. He listened to my speech in Westminster Hall on 26 March on the subject, and I thank him for his response to it. During that debate, I clearly expressed my anxieties about the way in which the company came into being. I feared corruption, and I made that clear at the time. I can prove that lies have been told and, tonight, I will produce fresh evidence.

I should like to make one thing crystal clear. Some have wrongly accused me of sheltering behind the protection of parliamentary privilege. That is incorrect. I have repeated outside everything that I have ever said about Southwest One here. My website and my blog—modesty forbids, but it is called Mogg the Blog—bear ample testimony to that. I have laid myself open to any legal challenge and, as yet, no one has dared challenge me.

Southwest One is formed of two councils—Somerset county and Taunton Deane borough—plus one police authority, Avon and Somerset constabulary. I remind the House that its business partner is IBM. Hon. Members will be surprised to learn that IBM owns 75 per cent. of the company. That means that, if Southwest One ever makes a profit, the "Big Blue" will pocket three quarters of it. It is a 10-year venture, which was supposed to save money. Somerset council claims that it will save it £200 million—£20 million a year. Yet the county offers no logical explanation or business realisation plan. Why? There is not one.

There is a document, which falsely describes itself as the business realisation plan, but it contains not one

imagination, probably written by—dare I say it, and show my venerable age—Andy Pandy. Let me give an example. The document states:

"Improved supplier service levels will result in authorities delivering higher performance."

Excuse me—what is the precise predicted improvement year after year? We do not have any numbers—but there are no numbers. It is all aspirational garbage.

When did the document appear? Only the other day, after persistent demands under the Freedom of Information Act 2000 from angry trade unionists. I pay tribute to Unison, which has not stopped its campaign. As a taxpayer and Somerset Member of Parliament, I share its anger and frustration. I gently say that I hope that the Minister does, too. It is no way in which to conduct intelligent business.

The Government already rightly publish excellent advice on how to do things. Business Link describes best practice thus:

"Success in a joint venture depends on thorough research and analysis of aims and objectives. This should be followed up with effective communication of the business plan to everyone involved."

However, the architects of the joint venture company have strangled information to such a tiny trickle that nobody outside the magic inner circle knows what is going on.

Not one elected councillor of any persuasion has been given unrestricted access to the 3,000 page contract, which was signed last September. Most of it stays hidden. Councillors, the unions and the public who, like me, pay for all that, have been treated like mushrooms. We have been left in the dark and, every now and then, some smug soul chucks a bucket of manure over us. The last big bucket of dung was delivered yesterday by the very man who boasted that not a single job would be put at risk by the deal.

As the Under-Secretary knows, I am talking about the chief executive of Somerset county council—a man who has lied consistently to everyone at all stages. Yesterday, he calmly told an audience of more than 200 councillors, almost in a throwaway line, that restructuring services throughout Somerset would probably mean a 30 per cent. cut in the total work force. That would mean Somerset county shedding 5,000 jobs in front-line services and almost 200 each for the five district councils. However, some of those councils do not employ 200 people directly.

Mr. Jones was not authorised or expected to say what he did; it just slipped from his lips like a blob of saliva. He is a man who claims to be guaranteeing the jobs in Southwest One, but he has now told us that thousands of other jobs will be sacrificed by the people of Somerset. That is the ultimate betrayal, and the unions and others now call him Alan "Judas" Jones. The current leader of the council, Jill Shortland, is trying tonight to explain away his words, by claiming that any job losses can be achieved by natural wastage. But the only natural wastage that most people want to see is the immediate departure of that incredibly dangerous man, who has cocked up and covered up for far too long.

We do not even know for sure who is on the board of Southwest One. There are quite a few bods from IBM, naturally, and a couple of harmless councillors who would not say boo to a goose or recognise a balance [illegible] as the chief constable of Avon and Somerset police force, who apparently has the right to sit on a public board. I do not think that I have heard of an arrangement quite as dodgy as that. I am also reliably informed that the chief executive of Somerset county council is another regular attendee at board meetings, but that is hearsay. Mr. Jones has always sworn blind that he plays no active part in Southwest One. I am afraid that that now looks like another whopping lie.

I intend to dwell on Mr. Jones for quite a while. He more than any other public official has been involved in the formation of the company, and it is his ruthless tactics that we must expose. Mr. Jones has a habit of falling out with people and then covering it up. The first effective manager of ISiS—the improving services in Somerset programme, which was the precursor to Southwest One—was a bright and attractive young lady called Jenny Hastings, a constituent. She and Mr. Jones worked effectively and closely, but then there was the falling-out.

All councils have a procedure for resolving grievances—we all know that; we are Members of this place—but in that case there must have been something extremely difficult to resolve. The timing was uncomfortable. The Audit Commission was about to examine the county's books. Somerset's quest for five shining stars would have fallen flat on its face if the chief executive had been embroiled in a tacky public industrial tribunal. It took the services of ACAS to thrash out an agreement, under which Mrs. Hastings departed amicably—and silently.

The process also cost an awful lot of public money. I would like to know how much. I made a request under the Freedom of Information Act 2000 more than a year ago, but the council is still dragging its feet and delaying a response.

Mr. Jones's reputation in county hall is a legend—a remarkable achievement. I am told by the unions that anthrax is more popular than Alan Jones, but I would not know personally. I am no friend of the Liberal Democrats—the Minister knows that, and you certainly do, Mr. Speaker—who hold political control, but I am appalled and horrified by the manner in which Alan Jones manipulates them. There is no better example of that than what happened to one councillor, who was the deputy leader of the Liberal Democrats on the county council.

Chris Ruane (Vale of Clwyd) (Lab): Name him!

Mr. Liddell-Grainger: I thank the hon. Gentleman—that councillor's name is Paul Buchanan. As Liberal Democrats go, he has the sharpest of brains. He was on the ISiS project, he worked with Jenny Hastings and he knows where all the bodies are buried. He has made no secret of the fact that Alan Jones would be out if he became leader, which he was destined to do. Unfortunately, that claim may have been a bit of an error. Last April, Alan Jones reported Paul Buchanan to the Standards Board for England—no fewer than 50 different trumped-up charges were made against the man.

I sit on the Select Committee on Public Administration, but I am afraid that I do not have a high opinion of the Standards Board for England. The Government's motives for creating it were sound, and rightly so. After all, we must expect high standards of all our elected councillors and elected representatives. However, the Standards [illegible]

Mr. Liddell-Grainger]

Alan Jones was able to make those absurd complaints, nd because of the way the board is set up, it is obliged o take them seriously, regardless of their nature. As a irect result, Jones silenced his most powerful internal ritic. Suddenly, anything and everything that Councillor aul Buchanan might have been able to say fell under he cloak of sub judice. That scuppered his political hances as well—conveniently. Irrespective of political ersuasion, nobody wants a new leader with a shadow f an investigation hanging over him, so the Liberal emocrats ditched their best man, and little Mr. Jones ust have relished every second of it.

The original 50 charges, incidentally, were rejected ery quickly indeed, but Jones, as usual, came back with esh new charges. Inexcusably, the Standards Board is ill wading through them. This dreadful system has ermitted a brutal injustice in order to protect a dangerous nelected megalomaniac as he pursues the goal of a igh-risk and very dangerous private partnership.

I am now in a position to prove that one high-level fficial in county hall acted in support of the chief xecutive and gave false testimony to the Standards oard. The Secretary of State said in March, and the linister repeated it in my Westminster Hall debate, hat I should take up my concerns with the district uditor. I thank the Minister for that advice; I have one so. However, I am sad to report that the district uditor considers my evidence outside the strict remit of is accountancy, so I have no option other than to call n the Serious Fraud Office.

I am also concerned about the involvement of Avon nd Somerset police in all this. Alan Jones hired the ife of the chief constable to negotiate directly with the referred bidder, IBM. Now the chief constable himself as the right to sit on the board. I believe that that is too ose for comfort and sets a dangerous precedent. Mr. Jones now beginning to admit some of the ghastly truth bout this deal. It will lead to job cuts. Even the olice—Avon and Somerset constabulary—are talking eriously of shunting and shredding the front-line office aff' in 19 police stations across the force area. The linister is based in Gloucestershire and I am sure that e would have something to say if his police force were ffected.

Southwest One is currently trying to drum up extra ade in Essex, Torbay, Plymouth and Cornwall. Cornwall becoming a unitary authority and I would say to that ouncil, "Please look carefully at what you are doing; ou are being led by the nose; if you go down this line, our expenses, accounts and accountability will be given IBM based in Southampton". The same goes for lymouth. They are both good councils; both need, are I say it, guidance away from this mad scheme. I ink that they should be afraid; they should be very, ery afraid.

The ethos of Southwest One is cut-price. The figures o not add up because there are no figures to see. If the her authorities sign up, they will be recklessly risking ublic money, but this is the way that IBM likes to do usiness: cutting margins, cheeseparing, getting less for ore. The more it makes, the more it takes. Remember at IBM owns 75 per cent. of the action. New software operational problems and big costly overspends. That has happened in Bradford, it is about to happen in Somerset and we are going to pay through the nose for it as taxpayers and as local people.

IBM put in the Rural Payments Agency computers, but we would have been better off with a bag of kiddies' counting beans than with the mess that was made there. I do not blame the Government; I blame the systems. IBM lost the Department for Transport £970 million—do not take my word for it; the National Audit Office nailed it a couple of weeks ago. IBM cares about only one client—IBM—but that is business, is it not? One has to be tough to flourish and picking a global partner requires similar expertise to be able to counter and understand what is happening. That is what is missing, and that is what I want to address.

Councillors in Somerset have had to rely on reports from a small group of officers, unaccountable to anyone, whose future careers are entwined with Southwest One. Councillors have found it incredibly difficult to represent the public interest because they are not getting impartial advice.

I have a handful of positive suggestions for the Minister to consider. When it comes to Government projects, it is mandatory for the 4Ps agency to do regular reviews. Why not extend that to local government? Just an idea. How about beefing up the Audit Commission so that it can handle these highly complex deals? Either that or allow the National Audit Office to do the job, which would of course come under the Select Committees of this House. Specialist training for councillors on scrutiny committees would be welcome. They could learn about, and hopefully understand, what they ought to be looking for. Please, may we have clear Government guidance on the use of the magical cover-up phrase "commercial confidentiality"? In Somerset, that phrase has been used time and again to explain away unnecessary secrecy. It is the motto of the county now. It has dropped whatever it used to be and it is now "Commercial confidentiality". It is used at every turn. Finally, a good deal is only as good as the cost and benefit realisation plan. We must have a mandatory standard.

I am trying to be constructive for the future because I believe that, in Somerset at least, the project has been a complete disaster. Wool has been pulled over the eyes of the elected councillors and Alan Jones is clicking away with his knitting needles. I have been challenged to go and look at the contract. I have offered to take two forensic accountants, one business lawyer, Sir John Banham if he will come—I hope that he will—and possibly a couple of other people to help me. It will take six to seven days to go through it. However, I will not be allowed to see the whole contract or the whole business plan. I will not be allowed to see the correspondence on what made the deal possible and why the group was chosen over British Telecom and Capita. It is a joke. It is a sham. The group is hiding. Why?

The unions have been ignored and a cover-up has been the order of the day. It is, I am afraid—I say this gently—no good for the Minister to say that this is a matter for the councils concerned. It has moved on from there. I am afraid that it is no good telling me any more that the district auditor is the person to go to. We

Somerset's crisis today is going to be someone else's tomorrow, without a shadow of a doubt. We need ministerial intervention, and I am afraid, to put it crudely, we need it pretty darn quick before the disaster gets worse.

10.47 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Parmjit Dhanda): Not for the first time—for the second, I think—I am left somewhat breathless in a debate with the hon. Member for Bridgwater (Mr. Liddell-Grainger). He speaks with passion about the issue. If he carries on at this rate, the Parliament channel will be competing with the "The Apprentice" and other programmes for viewing figures.

The hon. Gentleman is right about my response: it will be similar to the debate in March. I know that he is anticipating that in my comments about the role of the district auditor. If he has serious allegations to make about corruption, then he has made his views clear in no uncertain terms about the chief executive of Somerset county council and the chief constable of the constabulary. He did that in the previous Adjournment debate on 26 March and has used his parliamentary privilege to do so again today. As I said, the district auditor and the Serious Fraud Office are the places for him to go. He has indicated that that is what he intends to do.

I congratulate the hon. Gentleman on securing this second debate on an issue that is fundamentally about Government PFI contracts. He has made it clear that he does not have a problem with PFI or with partnerships as a whole.

I began my response to the debate in March with a warning, and I feel that I should do so again. It is important to recognise that although local authorities are increasingly strong and independent bodies, they are ultimately accountable to local residents, and must ensure that they act in a professional and responsible manner. Clearly there has been a breakdown in their relations with Members of Parliament—certainly with the hon. Member for Bridgwater—but ideally they should have a good rapport with MPs as well. I have run-ins with my own local authorities, for these things do not always run smoothly, but in an ideal world that would be the case.

In particular, local authorities are responsible for the proper administration of their own financial records within the framework set by legislation—including the duty of best value and public procurement law—and codes of practice issued by professional bodies such as the Chartered Institute of Public Finance and Accountancy. For that reason, the specific questions raised by the hon. Gentleman can be answered directly only by Southwest One and by Somerset county council, Taunton Deane borough council and Avon and Somerset constabulary.

As I have said, if the hon. Gentleman has specific evidence of financial irregularities or a failure to follow due process in the establishment of the Southwest One partnership, he should present it to the district auditor. I am well aware that he has already done that to some extent. The district auditor is the right person to investigate such matters. If the hon. Gentleman has more serious tonight that he feels somewhat fettered, and does not feel able to speak to the local constabulary, because part of his issue is with them in the first place.

Central Government cannot and, in my view, should not be involved in every action that councils take, and I think it right that neither Ministers nor officials have been involved in the development of the Southwest One partnership. However, owing to the hon. Gentleman's obvious concern about this project—not least that expressed in the debate in March—the Department has made inquiries of the Audit Commission and Somerset county council. I have to say that, so far, no evidence of wrongdoing has been presented to or uncovered by either the auditors or the police.

Two auditors have been involved in reviewing the work to establish Southwest One. The Audit Commission appointed Grant Thornton to act as external auditor in 2006-07, and from 2007-08, the commission itself has acted as external auditor. Both auditors recently reported to Somerset county council, and I should say in fairness to them that they have been broadly positive about the processes that they followed. Grant Thornton summarised their opinions as follows:

> "Given the size and complexity of the contract, it is inevitable that there are some areas of the process where improvement could have been made, but overall our review found that arrangements were sufficiently robust to give us assurance."

The Audit Commission has presented outline findings in similar terms, stating that there was a reasonable process for procurement with planned improved outcomes for the council, that there were appropriate reporting and staffing arrangements, and that the deal had been market-tested and improved through negotiation. The Audit Commission points out that considerable service and financial challenges remain—I know that the hon. Gentleman agrees with that—and the council needs to invest properly in the management of the contracts. In a project of this size, that is not surprising, but I hope that the partners in Southwest One will take on board the conclusions and redouble their efforts and prove this project a success.

Both in this debate and when the hon. Gentleman spoke to me earlier this evening, he mentioned his concern about jobs; he fears that 5,000 jobs may be lost under some kind of redundancy scheme. However, in fairness to the hon. Gentleman—and also the local authority—he did make it clear that the county council has changed its position on that, and is now saying that any changes would be due to "natural wastage"; those are his words, not mine. Accountability for all these measures is ultimately through the ballot box at local level. Local authorities have to be able to demonstrate best value to their residents, but also, in an ideal world, work in partnership with local Members of Parliament.

In broader terms on commissioning, procurement and shared services, central Government can—and do—facilitate the sharing of experience and expertise so that councils can make the most of the opportunities for more efficient and effective service delivery that are available through partnership with the private sector, the third sector, or other parts of the public sector. The hon. Gentleman was generous in his praise of the Government, and of the guidance and the work being done to support local authorities on that path.

Many authorities are already benefiting from having

handa]

partnership, and that they expect to
of up to 15 per cent. as a result—savings
fied at. Let me cite as an example a
volving one local authority that covers
es, revenue and benefits, property services,
n resources. That has generated a variety
this case including 12 per cent. cost
ervices transferred, and improved service
s better council tax and national non-
collection rates. Those are some of the
can be gained through better partnership

Grainger *indicated assent.*

Mr. Dhanda: The hon. Gentleman agrees with that; he is nodding.

I have heard what the hon. Gentleman has to say. I think the wider world has as well, not only through Westminster Hall, but also now through this Chamber. Let me reiterate what I said to the hon. Gentleman earlier. Failures of process are for the district auditor—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at two minutes to Eleven o'clock.

House of Commons

Wednesday 18 June 2008

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DUCHY OF LANCASTER

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster was asked—

Community Resources

1. **Anne Snelgrove** (South Swindon) (Lab): What support his Department is giving to third sector organisations seeking greater involvement in the management of community resources. [211621]

The Minister for the Cabinet Office (Edward Miliband): Following more than 100 eligible bids, the £30 million community assets programme has been provisionally allocated to 38 projects where third sector organisations will take on under-used assets from local authorities and refurbish and develop them for the benefit of local people. I congratulate everyone involved in the successful bids on their outstanding work, and I look forward to that progress being built on in the forthcoming community empowerment White Paper.

Anne Snelgrove: The university of Bath has sadly pulled out of Swindon, leaving a wonderful campus building at its Oakfield site in my constituency. Many local people believe that it should be turned over to the community as one of its assets. What advice will my right hon. Friend give to local groups and the local authority to enable them to achieve that?

Edward Miliband: This may be one of a number of requests that we receive this morning about local projects. I pay tribute to the organisations that my hon. Friend referred to and suggest that the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Corby (Phil Hope), who has responsibility for the third sector, meets her to talk about the different funding streams that are available. The £30 million community assets fund has obviously been allocated, and we hope to build on it in the community empowerment White Paper, but a number of other funds, loans and grants are available. As I said, I suggest that my hon. Friend the Minister meets my hon. Friend the Member for South Swindon (Anne Snelgrove) to see whether more can be done.

Sir Patrick Cormack (South Staffordshire) (Con): May I once again appeal to the Chancellor of the sector"? We are talking about volunteers and the voluntary sector. Can we not just stick to plain English?

Edward Miliband: I fear that this is becoming a long-running discussion between the hon. Gentleman and me. I feel like saying, "Answers on a postcard, please, for a term other than 'third sector'." As the hon. Gentleman knows, the sector itself has tended to use the term and, as in all things, it is important that the sector owns the way in which it is described. I was at a reception last night held by the National Council for Voluntary Organisations, and it is moving towards the term "civil society". I do not know whether that would please the hon. Gentleman any more, but I am sure that we will hear about it in future questions.

Alan Simpson (Nottingham, South) (Lab): Communities are going to have to play an increasingly important part in meeting the Government's renewable energy targets. In Germany and other continental parts of the European Union, communities have priority access to their grid as generators of their own sustainable energy. In the UK, there is no such priority access and communities can wait for 10 years before they are granted access to the system. Will the Chancellor of the Duchy of Lancaster look at the rules that Ofgem applies to deliver priority access to third sector partners in this renewable energy future?

Edward Miliband: My hon. Friend is an expert on environmental issues, and we have talked about that issue in the past. He has found an ingenious way of bringing in the issue of feed-in tariffs. Right hon. and hon. Friends in the Government are looking at the matter, and I hope that they will address, and that he will draw to their attention, the issue of community ownership to which he refers.

Mr. Francis Maude (Horsham) (Con): Does the Chancellor of the Duchy of Lancaster agree with the party manifesto at the previous election that stated:

> "Public ownership does not have to mean top down management from Whitehall... or ...Town Halls"?

If he does, will he encourage his colleagues throughout the Government to allow voluntary organisations to take over the running of schools in order to provide a better service to the community?

Edward Miliband: I do agree with our manifesto in all respects. We are dealing with a question precisely about giving community organisations the opportunity to take over buildings from local authorities, in partnership with local authorities. We understand the need for a partnership involving Government funding and community organisations; we do not think it credible to say that voluntary sector organisations can solve the problem all on their own.

Mr. Maude: I am sure that the Minister will have recognised that that quotation was from the Co-operative party's manifesto at the previous election, of which his colleague, the Parliamentary Secretary, Cabinet Office, the hon. Member for Corby (Phil Hope), is a member. What justification can the Minister provide for the refusal to give parent co-operatives the right to the opportunity to run schools for the good of the community?

l proposals for co-operatives and other voluntary ganisations to manage key community resources, such schools, will the right hon. Gentleman help to create cross-party consensus by belatedly supporting the -operatives that so generously support his hon. Friend?

Edward Miliband: The Co-operative movement not ly started on this side of the House, but will be best thered on this side of the House. As for the right n. Gentleman's point about voluntary sector ganisations, if we look at the academies programme, e voluntary sector—in many different respects—is olved in schools; and if we think about the trust hools programme that the Government are taking rward, the voluntary sector is involved in that, too. e really will not take any lectures from the right hon. entleman about the co-operative movement.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): My ht hon. Friend would be most welcome to come to ymouth to look at the Co-operative trust school that are pioneering, along with others in the country. ay I say how excited people in Devonport are about e transfer of the Devonport guildhall through the mmunity assets trust programme, but also how sappointed the Plymouth community partnership and roundwork Trust were that they did not succeed in the eat competition for transfer? They were told that that d something to do with not having enough community pport, which seems peculiar given that they are the pport structure for the community and third sector in ymouth. Could I discuss that issue with him outside s Chamber—

Mr. Speaker: Order. The hon. Lady must understand at other Members want to come in with supplementaries.

Edward Miliband: Let me pay tribute to all the work at is being done in Plymouth. It is good that the right n. Member for Horsham (Mr. Maude) is being educated out the role of the Co-op in the trust school that my n. Friend refers to. I feared that we would have not ly successful bidders for the community assets programme t some unsuccessful bidders. If my hon. Friend will ow me, I will suggest that my hon. Friend the rliamentary Secretary, Cabinet Office follows this up th her and talks about some of the other funding that ght be available.

Civil Servants (Social Networks)

2. **Mr. David Anderson** (Blaydon) (Lab): What ogress has been made on providing guidance to civil rvants on social networking and blogging in the urse of their official duties. [211622]

The Parliamentary Secretary, Cabinet Office (Mr. Tom atson): No sector of society is immune from the plosion in the use of social media communication ols. In our response to the report "The Power of formation", the Cabinet Office has today issued a mple set of principles that will help to guide civil rvants to speak with an authoritative voice with online mmunities. I will ensure that the guidelines are placed the Library. Our next challenge for the power of formation taskforce is to develop more detailed guidelines encourage civil servants to take the first steps to

Mr. Anderson: The Minister will surely agree that the youth culture of today has moved on somewhat from the days when he and I thought that we were going to be Britain's answer to "The Blues Brothers"—*[Laughter.]* It is true. Will he give an assurance that this is not just about giving people guidelines but ensuring that he has among his staff civil servants who are not just technically but culturally aware of the needs of young people, who use this medium more and more?

Mr. Watson: My hon. Friend has given away our guilty secret about "The Blues Brothers". I am not going to go there.

There are an incredibly large number of digital pioneers across the civil service—young people who may be junior in status—and one of my jobs is to try to join them all up so that they can enlighten their older counterparts in more senior positions.

Mr. Peter Bone (Wellingborough) (Con): Does the guidance to which the Minister refers extend to giving civil servants advice on sending sensitive material to Ministers, and do Ministers have responsibility for checking what they receive?

Mr. Watson: I can assure the hon. Gentleman that the guidelines cover civil servants and that no top secret documents will be placed on Facebook.

Mr. Gordon Prentice (Pendle) (Lab): Have any civil servants been reprimanded or disciplined for blogging?

Mr. Watson: Not for blogging per se, but civil servants must of course adhere to the civil service code online as well as offline.

Susan Kramer (Richmond Park) (LD): The Minister will be well aware that an early alert that senior civil servants were wandering home with key documents without authorisation appeared on the blog "Civil Serf". Will he confirm that in his guidelines he will not kneecap whistleblowers? Will he give us an assurance that the civil service will not sign up to the national staff dismissal register, which would allow the organisation to blacklist people on the mere suspicion that their conduct might not be attractive?

Mr. Watson: Let me assure the hon. Lady that the challenge for the power of information taskforce is to get our civil servants to engage in online communities in an appropriate manner. Clearly, one of the things that underpins our hard-working public servants is the notion of common sense, and I hope that they will apply that in their online activities as much as their offline activities.

Greg Clark (Tunbridge Wells) (Con): There is no point in issuing new guidance to civil servants when even Ministers do not follow the existing guidance. In a week when confidential information has been left on trains and on laptops, is the Minister aware that he is responsible not only for creating the rules but enforcing them? When will he stop blaming officials and start laying down the law to his fellow Ministers?

Mr. Watson: The hon. Gentleman well knows that the theft of the laptop from the Secretary of State for

police investigation, but a crime was committed; the laptop was stolen from an alarmed office. He is also aware that there are a number of reviews, and a lot of work has been done across government on information insurance. Underpinning that is the notion that we need enhanced transparency, increased monitoring, improved guidance and better, possibly mandatory, training.

Social Exclusion

3. **Dr. Roberta Blackman-Woods** (City of Durham) (Lab): What steps he is taking to support socially excluded families. [211624]

5. **Helen Southworth** (Warrington, South) (Lab): What steps he is taking to support families vulnerable to social exclusion. [211626]

The Parliamentary Secretary, Cabinet Office (Phil Hope): As we all know, the experience of multiple problems such as poor mental and physical health, homelessness or substance misuse can have a corrosive effect on the life chances of children and adult family members. The social exclusion task force's families-at-risk review has helped to identify a specific set of innovative services that can make a real difference and improve the lives of vulnerable families. That is being embedded at local level through a new £16 million family pathfinder programme in 15 areas of the country.

Dr. Blackman-Woods: I thank the Parliamentary Secretary for that response, and I am sure he agrees that the family pathfinder project in my constituency is doing a wonderful job in its support for vulnerable families. What discussions is he having with ministerial colleagues about using such projects in a more co-ordinated way to reduce inequality as a means of tackling social exclusion?

Phil Hope: My hon. Friend is absolutely right: the family pathfinder project in her area will target some of the 100 most vulnerable families. We need to ensure that local services are joined up so that families who are in contact with social services, the education system and the probation system find that those services are working together and understand the family as a whole and how it can be helped. My role in promoting that message across the Government is to work with ministerial colleagues in other Departments to ensure that that basic message of "Think Family" informs all of our policies.

Helen Southworth: The project in my constituency that will provide intensive support to vulnerable families is run by the Children's Society. The voluntary sector is often a key partner—a trusted friend for people who are really at risk—but it does not have the funding available to mainstream such projects. Will my hon. Friend ensure that there is good and effective evaluation, and that what works in these projects gets mainstream funding so that people continue to benefit?

Phil Hope: My hon. Friend is absolutely right. She mentions one particular organisation that works with families, and the voluntary sector is extremely good at using a holistic approach—taking a look at the whole family and dealing with the multiple problems that families often experience. Working in that way, such organisations can achieve much more than individual agencies can achieve alone. In Warrington, where I know that my hon. Friend works hard to support those third sector organisations, there will be additional help and a new approach. As we learn the lessons about how those interventions can make such a difference, we want to mainstream them, as she says, into the front-line practice of all public services so that the most vulnerable families get the help they need at the right time and in the best possible way.

Paul Rowen (Rochdale) (LD): May I just correct what the Minister for the Cabinet Office said earlier? The Co-op was formed in Rochdale and is not the preserve of one party in this House.

Has the Parliamentary Secretary had any discussions with the Home Office about the plight of women with no recourse to public funds? Often, they are victims of domestic violence, and because they are often from the Indian sub-continent they are not entitled to any funds. At the moment, there are quite a number of them in a desperate plight.

Phil Hope: I am happy to look into the issue that the hon. Gentleman raises, either from a Labour party perspective or a Co-operative party perspective—speaking as a Labour and Co-operative Member. A range of services is provided to reach out to the families most at risk, which work with them in a holistic way, considering the whole family. That process ensures that we examine the impact of issues such as substance misuse or domestic violence, not only on the individual concerned but on other family members, particularly children, who are often unrecognised victims of what is going on in a family.

Mr. Gary Streeter (South-West Devon) (Con): But is it not a serious form of social exclusion to deny elderly people access to a post office? Will the Government please intervene in the proposed closure of Underwood post office in Plympton, where there is no bus service to the nearest alternative? Or is it now Government policy that pensioners should be able to afford a taxi?

Phil Hope: I am delighted to tell the hon. Gentleman, if he has not heard already, that the Government are putting £1.8 billion of subsidy into maintaining the rural post office network and other networks. The Opposition, who are running campaigns locally, have failed to make any commitment whatever to maintaining that level of subsidy to ensure that older people in rural areas can access postal services.

Community Assets Programme

4. **Mr. David Drew** (Stroud) (Lab/Co-op): How he plans to assess the effectiveness of the community assets programme in rural areas. [211625]

The Minister for the Cabinet Office (Edward Miliband): Of the 38 projects being funded through the community assets programme, some are in rural areas, such as the Pelton Fell community resource centre in north Durham and the Wigton market hall project. The evaluation will look at projects from a range of areas, including rural communities, and will report in 2010.

Mr. Drew: I thank my right hon. Friend for that information. Does he agree that we could all do much more to use the wealth of buildings in rural areas—principally village halls, churches and other community buildings—for a variety of alternative purposes? Is that what the Government have in mind? If so, how does the programme bring those ideas forward?

Edward Miliband: My hon. Friend speaks a truth that will be apparent to hon. Members in all parts of the House. We all know of places in our constituencies where there are community assets that we do not feel are being properly used and which we would like to be used properly by the community for the benefit of that community. The intention of the programme is to bring together third sector organisations and local authorities, so that together they can play a role in ensuring that the projects are properly used for the benefit of the community. My hon. Friend makes an important point, which is that we need to think how we can ensure that not only the community assets programme but other programmes take it properly benefit rural communities. I can assure him that we will be doing that in relation both to the community assets programme and forthcoming announcements.

Robert Key (Salisbury) (Con): If the Chancellor of the Duchy of Lancaster wishes to ensure the more effective use of community assets, will he please work closely with the one organisation that reaches into every community in the country, namely the Church of England?

Edward Miliband: Absolutely. The hon. Gentleman makes an important point about the role that religious groups, including the Church of England, can play in providing proper buildings and facilities for the benefit of the local community.

Mr. Brian Jenkins (Tamworth) (Lab): I very much welcome this programme. It is okay to hand over existing schemes, but what encouragement will my right hon. Friend give to local authorities to hand over surplus buildings to community groups, rather than selling them to balance their books?

Edward Miliband: My hon. Friend makes an important point. We face a big challenge. In a way, part of the intention of the programme is to show local authorities—not just those that are successful in applying, with community organisations, for the programme—what they can do by working with the local community. The process is partly one of culture change, saying to local authorities that they can sell assets at below market prices to local community organisations for the benefit of the local community. My hon. Friend makes an important point about a cultural change that we need to build on.

Mr. Philip Hollobone (Kettering) (Con): To what extent has the Chancellor of the Duchy of Lancaster estimated that the transfer of community assets will be used by voluntary organisations as security to attract further investment?

Edward Miliband: The hon. Gentleman makes an important point, which is that the community assets case can make a big difference to voluntary organisations' ability to borrow or have much greater security of funding. Some of the best examples around the country organisations, and perhaps renting out some space—a in a part of my constituency—which provides not onl an asset base for the voluntary organisation but stream of revenue funding.

Mr. Andy Reed (Loughborough) (Lab/Co-op): I am delighted that Gorse Covert in my constituency is on of the schemes that will, I hope, be successful and followed through. Following the point that my hon Friend the Member for Plymouth, Sutton (Linda Gilro made about local authorities releasing schools, for exampl I have two old schools in my constituency that the loc authority has sold on. The community wants to ge hold of one of them. Is there a way that a partnershi can be formed even though the school has already bee sold, so that the community can take that asset? Nothin else will be done with it—it will sit there empty an become derelict. Can my right hon. Friend work throug the programme to bring those sorts of partnership together in the future?

Edward Miliband: I congratulate the people and group in my hon. Friend's constituency on successfully gettin through the first stage of the community assets programm He raises a wider and important point about how muc further this programme could go. I very much agre that we should work with him to look further into th issues he raised.

Mr. Graham Stuart (Beverley and Holderness) (Con Does the Chancellor of the Duchy of Lancaster agre that statutory bodies should maximise the social valu of an asset, not just its financial value?

Edward Miliband: The hon. Gentleman makes a ver important point. Part of the challenge is how to incentivis local authorities and others to understand that the should maximise that value. As I said to my hon. Frien the Member for Tamworth (Mr. Jenkins) earlier, it partly a process of culture change. Hopefully, th community assets programme will start to show loc authorities just what can be achieved by working wit local community groups.

Mr. Kevan Jones (North Durham) (Lab): My righ hon. Friend mentioned Pelton Fell in my North Durha constituency. Will he join me in congratulating th community, Councillor Steve Barr and Chester-le-Stree district council on their involvement in that project an in the wider redevelopment of Pelton Fell, which show that local authorities working in the local communit can actually make a difference?

Edward Miliband: I certainly will join my hon. Frien in congratulating those he mentioned, who did such brilliant job in bringing forward the bid for Pelton Fel I was talking to my hon. Friend the other day abou what would be happening in his constituency throug the Pelton Fell project. It is a very exciting example o how community assets can be the catalyst for transformin a community.

Pensioner Poverty

8. **Mr. Andrew Mackay** (Bracknell) (Con): What step the social exclusion task force is taking to assess th effects of pensioner poverty on levels of socia

The Minister for the Cabinet Office (Edward Miliband): Pensioner poverty and social exclusion are closely linked, which is why measures such as the pension credit and the winter fuel allowance are so important. Together, the measures taken by this Government have taken 900,000 pensioners out of relative poverty since 1998 and increased the incomes of the poorest 20 per cent. of pensioners by about a third in real terms over that period.

Mr. Mackay: Just why in the last financial year for which records are available have 300,000 more pensioners been found in households on low income? How does that help social exclusion?

Edward Miliband: The figures did go up, which is disappointing, but the figures fluctuate from year to year. What I would say to the right hon. Gentleman is that pensioner poverty has gone down, as I said in my answer, by 900,000 since this Government came to power. Why? It has gone down because of the pension credit, which was opposed by the Conservative party; it has gone down because of the minimum income guarantee, which was opposed by the Conservative party; it has gone down because of the winter fuel allowance, which was opposed by the Conservative party. It is only this Government who can take forward plans to keep tackling pensioner poverty in this country.

Charities

9. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet representatives of charities to discuss funding. [211630]

The Parliamentary Secretary, Cabinet Office (Phil Hope): I regularly meet third sector organisations to discuss a range of issues, including funding. Just a couple of weeks ago, I met sector representatives at the National Council for Voluntary Organisations sustainable funding projects annual gathering, and later today I will address similar issues at the annual Association of Chief Executives of Voluntary Organisations funding road show. The Government are committed to a thriving third sector and we now have unprecedented levels of funding and support in place. Public funding for the third sector has more than doubled in real terms from less than £5 billion in 1997 to more than £10 billion in 2004-05.

Mr. Bellingham: Has the Minister seen today's report stating that the current economic downturn could add another £2.5 billion to the 2012 Olympics budget, taking it to a staggering four times above the original estimate? Does he agree that that will lead to a very damaging diversion of the Big Lottery Fund from the charitable sector to the Olympics?

Phil Hope: No, the hon. Gentleman is completely wrong. This Government have preserved the third sector's proportion of funding from the Big Lottery Fund. Indeed, it is the Conservative party that proposes to take £200 million away from voluntary organisations. This Government can be proud of their record in supporting the third sector with an unprecedented level of funding, which will make a huge difference to third sector

Community Facilities

10. **Mr. Gordon Marsden** (Blackpool, South) (Lab): What steps he is taking to give third sector organisations greater involvement in the management of the community buildings and facilities they use. [211631]

The Minister for the Cabinet Office (Edward Miliband): I refer my hon. Friend to the answer I gave to Question 1.

Mr. Marsden: I thank my right hon. Friend for that reply. Does he agree that schools, and their extended use, are a key part of community assets? Does he also agree that a lack of flexibility in the rental and the restrictive covenants is sometimes placed on schools by local authorities? Will he consider the value of his Department issuing guidance to local authorities, particularly in respect of the extended hours use of schools, so that community organisations can be better involved?

Edward Miliband: My hon. Friend makes an important point about the range of community assets in this country, which could be used better for the benefit of the wider community. We will certainly endeavour to take up that issue with the Department concerned. The other thing I would say to him is that sometimes the restrictions are in place because of Charity Commission rules. It is also important to note that in recent years the Charity Commission has shown flexibility about how those rules mean that local assets can be used for the benefit of local people.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [211606] **Mr. Eric Illsley** (Barnsley, Central) (Lab): If he will list his official engagements for Wednesday 18 June.

The Prime Minister (Mr. Gordon Brown): Before listing my engagements, I am sure that the whole House will wish to join me in sending our profound condolences to the families and friends of Lance Corporal James Bateman and Private Jeff Doherty from the Parachute Regiment, who were killed in Afghanistan last week, and to the families and friends of four members of our armed forces whose tragic deaths took place yesterday and have been announced this morning. They were undertaking the most difficult missions in the most dangerous of countries. Our thoughts are with our forces and their families, not just now but at all times.

Our troops are second to none, the best in the world. They are on the noblest of missions. They are fighting for freedom for the Afghans in their own country, and for the world in protecting us from terrorism. This House and this country are proud of them all.

This morning, I had meetings with colleagues and others. In addition to my duties in the House, I shall

Mr. Illsley: I am sure that the whole House will want to be associated with my right hon. Friend's comments.

While I very much welcome the Government's recent announcement on free swimming for the over-60s and, eventually, for children, is my right hon. Friend aware that many leisure trusts and sports centres throughout the country face retrospective VAT bills on concessionary leisure passes? Any extension of that facility will mean an increased tax burden. Will he look again at the issue of VAT and sports centres to prevent a worthwhile policy from being undermined by the unforeseen tax consequences?

The Prime Minister: A few days ago, the Secretary of State for Culture, Media and Sport announced £140 million to boost sport and fitness. That included free swimming for the over-60s and a challenge fund to encourage local authorities to offer free swimming to under-16s. That never happened for all the years that the Conservatives were in government.

Councils can reclaim any VAT incurred providing free swimming lessons to under-16s or over-60s. Paid swimming lessons provided by local authorities are exempt from VAT and local authorities do not charge VAT on most block bookings by clubs or schools for sporting activities, but I am happy to meet my hon. Friend to look at any other aspect of the issue that he wants to raise.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to Lance Corporal James Bateman and Private Jeff Doherty of 2 Para, who were killed on Thursday, and of course in honouring the memory of the four soldiers killed yesterday. When people ask us why we are sending our young men and women to fight and possibly die in the heat and dust of Afghanistan, let us be absolutely united in saying that their fight is our fight. This is a fight against terrorism and extremism—not just in Afghanistan—that affects the safety of our streets and our way of life too.

On the one hand, there are more roadside and suicide bombs in Helmand province; on the other, there are reports today of Taliban activity in Kandahar province, where Britain also has substantial commitments. Will the Prime Minister give his latest assessment of what is unfolding in southern Afghanistan?

The Prime Minister: Last week, I talked to the House about how the operations in Afghanistan were changing. On Monday, the Secretary of State for Defence announced to the House of Commons additional troops that we are sending to Afghanistan. The fact is that we have made great progress against the Taliban and the fact is also that their tactics have changed considerably. They are no longer fighting as an army; they are fighting as an insurgency. That is why we are seeing mines, roadside bombs and, indeed, suicide bombs. We are seeing Iraqi-style tactics practised by the Taliban in Afghanistan. That is why we are reordering the way our forces work in Afghanistan and why also we are taking new equipment to Afghanistan, as was announced by the Defence Secretary on Monday. I believe that we are well equipped in Afghanistan and will be better equipped in the months

That being said, I think that we are also making progress on economic and social development in Afghanistan, trying to give more powers to local people to run their own affairs and trying to persuade the central Government to tackle corruption, and of course to tackle the drugs trade with greater rigor and with greater determination.

So our strategy in Afghanistan is to deal with the insurgency. It is to make it possible for Afghan soldiers and the police to be trained by British and other forces and to use the support of the 40 other countries that are working with us in Afghanistan and the 80 countries that have supported us in the new plan for Afghan national development. The strategy is more and more that Afghans will take responsibility for their own affairs.

Mr. Cameron: I am very grateful for that answer. Obviously, the Prime Minister is absolutely right to say that this is a counter-insurgency campaign. Does not all the evidence of the past show that in order to defeat a counter-insurgency campaign we need complete unity of command? At the moment we have the NATO-led ISAF command and the American-led Operation Enduring Freedom command, and there is always a risk of their pulling in different directions. As the Prime Minister knows, I have raised this matter many times before. I know how aware of it he is and that he is trying to ensure that we get it right for the future. Can he tell us what progress is being made in turning them into one single, unified command?

The Prime Minister: We are working very closely on that. The right hon. Gentleman will have seen on Monday the further announcement made by the Secretary of State about the command in future years. I think, however, that the biggest challenge we face is to link military and civilian action. That is why I have been trying to persuade the Germans to take a bigger role in the training of police. They have now increased the number of police trainers available in Afghanistan. We want a corrupt-free police who are capable of doing their job. That is why in Paris last Monday there was huge international support for the reconstruction of Afghanistan and the need to give people in Afghanistan a stake in the future—to move them away from the drugs trade, to have successful agriculture, to build the dam that will increase the irrigation that is necessary and to build local businesses not just in Kabul but around the country.

I stress to the right hon. Gentleman that changes are being made to the military command, which have been announced, but we must also back up the civilian effort which is the key to giving Afghan people a stake in their future. The soldiers who died and the members of our armed forces who have given their lives gave their lives with great professionalism and courage. As all the House is saying, they have died for a noble cause, and the freedoms that we have in Britain are in no small part due to the fact that we have taken on the Taliban in Afghanistan and refused to allow them to break the democracy of Afghanistan.

Mr. Cameron: I am grateful for that answer. The Prime Minister says that changes are being made and I hope that we can have a regular update on how the unified command will be brought about and when, and

I turn to another aspect of foreign policy. Does the Prime Minister agree that following the Irish vote the Lisbon treaty should be declared dead?

The Prime Minister: I will be attending the European Council tomorrow. I think that it is right to bring the House up to date with what has been happening. We respect the decision of the Irish. They have asked to have more time to discuss what their proposals will be to deal with the situation. They have not suggested either that they wish to postpone the ratification of the Lisbon treaty for other countries or that they wish to stall the whole process. Just as we have respect for the Irish, we should have respect for the other countries that are processing the treaty and ratifying it. Perhaps we should also have respect for this House, which has voted for the ratification of the treaty.

Mr. Cameron: The Prime Minister should understand that either the treaty is dead or it is not. I simply do not understand why he does not have the courage to say that it is dead. This is not a treaty that Britain wanted or needed; it is a treaty that he was so ashamed of that he had to sign it in a room all on his own. Because the Prime Minister will not take a lead and declare the treaty dead, everyone suspects that he and others in Europe will make the Irish vote again. Will he guarantee that he would never support such an arrogant and high-handed move? Would it not be ridiculous to ask the Irish to vote twice when we have not even been allowed to vote once?

The Prime Minister: To follow on the right hon. Gentleman's first question, it is surely for the Irish to decide what they want to do—not for him to tell them what they want to do, or for us to tell them what they want to do.

The right hon. Gentleman forgets all the time during this discussion that 60 per cent. of our trade is with the European Union, that 3 million jobs depend on the European Union, and that his party supports the enlargement of the European Union. The whole purpose of the treaty is to put in place the institutional arrangements that make the enlargement possible. Once again, the Conservative party wills the ends but does not support the means.

Mr. Cameron: The Prime Minister says that this is a matter for the Irish people, but the Irish people have spoken. They have said no. Which part of "No" does the Prime Minister not understand?

The Prime Minister says that he does not want to bully Ireland, but does he not understand that continuing with the ratification process is doing precisely that? The Foreign Secretary says that we must proceed in order to express a British view. If the Prime Minister wants to hear a British view, why does he not ask the British people?

The Prime Minister: The last time a Conservative Government were in power, when the Maastricht treaty came up the then Prime Minister came to the House and said

"our partners propose to complete the ratification procedures. We share that judgment, and intend to continue with the passage of the Bill." [*Official Report*, 3 June 1992; Vol. 208, c. 827.]

As for the referendum, the Conservatives opposed a referendum on Maastricht, which is about more integration. They opposed a referendum on the Single European Act when they were in power. They even opposed the initial referendum on membership of the European Union. Even now, they cannot give a straight answer on whether they support a post-ratification referendum. This is not a position of principle; it is opposition for opposition's sake, once again.

Mr. Cameron: The Prime Minister wants to know whether we support a "post-ratification referendum"—ratifying what, exactly, after the Irish no vote? Instead of going on about John Major, why does the Prime Minister not supply some leadership? I know that he is determined— *[Interruption.]*

Mr. Speaker: Order. Members must allow the Leader of the Opposition to speak. Mr. Norris, you are far too noisy. [HON. MEMBERS: "As always!"] As always.

Mr. Cameron: Thank you, Mr. Speaker.

I know that the Prime Minister wants to live in the past, but why do we not learn from the past? The whole lesson of the past 10 years is that it is not possible to build support for these sorts of changes without holding a referendum.

The Prime Minister talks about history. Let us have a quick look at Labour's history on this. *[Interruption.]* Yes, throughout the time when Labour has been in government. First the Labour Government said they did not want a constitution, then they said they would accept a constitution. They said they did not want a referendum, then they said they would have a referendum, then they cancelled the referendum and brought back the constitution. Now the constitution is half dead on the floor, they have not the courage to kill it. Frankly, I have seen more spine and leadership from a bunch of jellyfish. Why does the Prime Minister not give some leadership, tell us what he thinks, and kill this treaty today?

The Prime Minister: Let us remember what the Conservatives' former Chancellor said. He said that a European referendum would be "crackpot", "dotty" and "frankly absurd". If the right hon. Gentleman wants to show that the Conservative party has really changed, why does he not change its position to support for the European Union? If he wants to lead his party, why is he being led by the Back-Bench anti-Europeans who are calling the tune every time?

We know where we are: we are in favour of Europe and the 3 million jobs that depend on it, and we will work for a European Union that helps Britain.

Hon. Members: More! More!

Mr. Peter Hain (Neath) (Lab): With opposition voters in Zimbabwe being murdered, beaten and starved, with independent monitors being abducted and terrorised, with the head of the pan-African observers saying that there is no way that next week's election will be free and fair, with Mugabe declaring war on anyone who dares to vote against him, is it not time that the international community—including my old anti-apartheid friends in

that the results of the first free and fair round be recognised, that the winner, Morgan Tsvangirai, be declared President of a Government of national unity, and that Mugabe be forced to recognise at last that the long-suffering people of Zimbabwe want him to go and want him to go now?

The Prime Minister: I have great respect for the views of my right hon. Friend, who has been involved in the politics of southern Africa for many years and has done great things.

There have been 53 confirmed deaths, some 2,000 people have been injured and 30,000 people displaced during this campaign. Four million people are in need of food aid, but are being denied it by the regime. The deputy leader of the MDC, Tendai Biti, is in police custody. Those are not circumstances in which a free and fair election can take place.

We have asked the regime to allow in observers for the 9,400 polling stations. Hundreds of observers have gone in, and more are to go in. We demand that those observers come from not just Africa but different parts of the world. We also demand that the UN human rights envoy be admitted into Zimbabwe and that proper monitoring of the elections take place. If that does not happen, it will be difficult to justify the elections as free and fair.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I add my expressions of sympathy and condolence to the friends and family of Private Jeff Doherty, Lance Corporal James Bateman and, of course, the four soldiers who tragically lost their lives in Helmand yesterday.

The Government have handed over a £9 billion windfall profit to the energy companies through the emissions trading scheme. How can the Prime Minister reconcile that huge subsidy with the fact that 5.5 million British families, and 750,000 more British pensioners, are set to plunge into fuel poverty? How can it be fair to subsidise large energy companies when ordinary families cannot pay their fuel bills?

The Prime Minister: I do not accept the right hon. Gentleman's figures. We have increased the winter fuel payment; it is now £250 for all families in which someone is over 60, and £300—indeed, it is rising by £100 this year—for people over 80. We are determined to help elderly people to pay their fuel bills. We have also negotiated an agreement with the utilities under which, first, £100 million a year, and then £150 million a year, will be provided to help low-income families. We are determined to do everything that we can to reduce fuel poverty in this country. I do not accept that we have not acted. We are in a very difficult situation in which oil prices have trebled, and we are determined to do everything that we can to help the vulnerable families of this country.

Mr. Clegg: Those measures are tinkering at the edges. People are struggling to get by now. I am not sure whether the Prime Minister understands the pressures that families are under. They face a massive 40 per cent. hike in the price of gas, and the poorest customers are still paying the highest prices. If the Spanish Government were able to claw back more than €1 billion of their subsidy, why cannot the Prime Minister do the same? Will he compel British energy companies to use more of their £9 billion windfall to install smart meters and to insulate more homes, and force them to offer their best prices to their poorest customers?

The Prime Minister: The right hon. Gentleman forgets that we are taking action to insulate people's homes. We have the biggest insulation programme in history to help people who need draught-proofing and insulation for their homes. He must acknowledge when things have been done. He talks about the Spanish Government, but we have done more than the Spanish Government. We have negotiated an agreement worth £150 million a year for many years ahead. At the same time, we have increased winter allowances for pensioners. The right hon. Gentleman must remember that both he and the Conservatives opposed the winter allowances when they were introduced.

Mr. Denis MacShane (Rotherham) (Lab): Will the Prime Minister welcome the historic decision announced in France yesterday on France rejoining the military command of NATO, thus reversing 42 years of General de Gaulle's isolation from Euro-Atlantic military integration? Will he ensure that the Government continue to support all European efforts to work with America, as America now wants to work with Europe? Does he regret that the Conservative party continues to fight its own cold war in Europe—

Mr. Speaker: Order. Two thirds of the question was all right; the third part was terrible.

The Prime Minister: I welcome President Sarkozy's decision that he will wish to bring France back into the inner core of NATO. I believe that that can move forward over the next year and that co-operation in NATO can be enhanced. However, I have to say that it is totally untrue that we are trying to merge the English, British and French navies—that is not something that we will do.

Q2. [211607] **Mr. Gerald Howarth** (Aldershot) (Con): Given the intensity of military operations in Iraq and Afghanistan and news of an impending Cabinet reshuffle, will the Prime Minister abandon his display of contempt for our armed forces by ensuring that the next Secretary of State for Defence has just that one job, not another one?

The Prime Minister: The Defence Secretary has just returned from Afghanistan. He does a brilliant job on behalf of the defence forces. He works night and day to make sure that we have the best equipment and the best support for our defence forces, and I think that it is disreputable of the hon. Gentleman to suggest otherwise.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Following the point that the Prime Minister made just now about the future of my aircraft carriers, will he guarantee that as part of the trade-off following the collapse of the European treaty, no further additional defence arrangements will be brought forward?

The Prime Minister: We announced the measures of co-operation with the French when President Sarkozy was here in the country a few months ago, but I repeat: there is no proposal to merge the use of aircraft carriers, as has been suggested in the press. If one looks at the

French statement—the French equivalent of a defence White Paper—it does not say that. It says that there will be association: in other words, we will work together, not merge, not amalgamate.

Q3. [211608] **Mr. Hugo Swire** (East Devon) (Con): While the situation in Zimbabwe is tragically worsening by the hour, the United Nations Security Council remains paralysed by China and by Russia. Will the Prime Minister now show some leadership by summoning the Chinese ambassador, reminding her that the eyes of the world are on China and Beijing in the run-up to the Olympics, and that the Chinese Government should cease immediately financially shoring up what the Prime Minister has rightly described as Mugabe's "criminal regime"?

The Prime Minister: It is right that it is a criminal regime run by a criminal cabal, and we must make that clear to the rest of the world, but the hon. Gentleman is wrong to say that the UN Secretary-General has not been taking action. He has met President Mugabe and made it clear that he wants a human rights envoy into the country. Arrangements are being made for that human rights envoy to go into the country, and the United Nations Secretary-General has made it clear that his eyes are on a free and fair election. He is supporting the number of monitors who will come from outside Africa for that election, and that is what we support, as well.

Q4. [211609] **Mr. David Winnick** (Walsall, North) (Lab): On the same point, and bearing in mind the views expressed by our right hon. Friend the Member for Neath (Mr. Hain) and the fact that so many of us in the '60s constantly denounced the Smith regime, is the Prime Minister aware that there is great disappointment that South Africa has not taken a stronger stand against the murderous violence that goes on day after day in Zimbabwe, and which makes a total mockery of the election that is taking place? Would it be possible for my right hon. Friend to make it clear to our good friends in South Africa that we expect a much different response?

The Prime Minister: I have not kept in touch only with the President, Thabo Mbeki. I was also in touch on Sunday with the president-elect—that is, the president of the African National Congress, Jacob Zuma. I made it clear to him, and he supported the idea, that there would be 1,000 monitors from the ANC party offered to Zimbabwe, so that they, too, can play their part in the election. So it is not strictly the case that South Africa is not making available election observers or monitors; that is exactly what it is doing.

I have also talked in the last week with President Kikwete, the chairman of the African Union, and with President Museveni of Uganda. They, too, and all the surrounding African states, are acknowledging the problems that are being created by Mugabe, the need to have free and fair elections, the need to put pressure on the regime for that to happen, and the need for international monitors to be in Zimbabwe, as I said in reply to the first question only a few minutes ago. These are the conditions, and the only conditions, under which a free and fair election can take place.

Sir Peter Viggers (Gosport) (Con): If the Prime Minister were to keep the promise given in the Labour manifesto of a referendum on the European treaty, what does he think the result would be?

The Prime Minister: The last time that there was a referendum on Europe, it was won by two votes to one, and I suspect that many members of the Conservative party voted for. As far as a referendum now is concerned, we have made it absolutely clear that if it was the constitutional treaty that was in line before, or if it was the euro that we were joining, there would be a referendum. But we won our five protections for Britain in the new treaty, and that has been before the House of Commons and before the House of Lords, and it was resoundingly passed by Members of this House.

Q5. [211610] **Chris McCafferty** (Calder Valley) (Lab): What advice has my right hon. Friend received from the police on the value and importance of database testing and CCTV in the fight against crime? Does he agree that the tools, as well as the resources, are very important in the fight against crime and, indeed, terrorism?

The Prime Minister: My hon. Friend is absolutely right. DNA and the changes that we have made on DNA have made it possible for 40,000 criminals to be prosecuted last year alone. Some 400 of those cases were murders, 600 were rapes and many of them were very severe assaults, and those people would not have been prosecuted without the use of DNA.

Therefore, I find it surprising that the Opposition position is that we relegate the use of DNA and that the now Mr. David Davis says that we should get rid of DNA altogether. As far as—*[Interruption.]*

Mr. Speaker: Order.

The Prime Minister: As far as CCTV is concerned, in the most recent experiment, in central Newcastle, CCTV reduced crime by 60 per cent. Therefore, it is wrong also for the Conservatives to turn their back on one of the great technologies that can assist us in the fight against crime. I suppose the Leader of the Opposition will go to the by-election to give his warm personal support to the candidate. I have no doubt that the candidate will stand, as in last year's by-election, as David Cameron's Conservative.

Sir Michael Spicer (West Worcestershire) (Con): Why are there always so many strikes at the end of a Labour Government?

The Prime Minister: The number of industrial disputes and the number of days lost from strikes is lower by far than under the Conservative Government.

Q6. [211611] **John Battle** (Leeds, West) (Lab): In recent months, our International Development Committee has been highlighting the increasing impoverishment of the Palestinian people. In welcoming the announcement of the Hamas ceasefire from tomorrow, will my right hon. Friend urge the Israeli Government now to stop the damaging and punishing blockade, so that ordinary Palestinians suffer no longer?

The Prime Minister: The whole House will be pleased to have heard of the ceasefire that has been announced between Hamas and Israel—thanks to the work of the Egyptians, whom I praise. I hope that it will bring greater peace to Gaza. It is important that the message also goes out that Hamas must stop the rocket attacks that have been doing so much damage to civilians in Israel. It is also important that, as the President of the United States said only two days ago, the Israelis stop the settlement programme that is causing so much distress among the Palestinians. I believe that President Bush sent a very important message this week that he will put the weight of the American Government behind a settlement in the middle east. That is the way I believe we can get an end to the poverty, unemployment and distress that is causing so much damage in Gaza and the west bank. Britain is ready, along with other countries, with an economic plan to underpin a peace settlement, but that peace settlement must be based on a security agreement, which only the Palestinians and the Israelis should sign. I hope that it moves forward quickly.

Q7. [211612] **Ann Winterton** (Congleton) (Con): Three cheers for the Irish, Mr. Speaker! How can the Prime Minister expect the people of this country to obey our laws and to trust the Government if the Government themselves flagrantly ignore the European Union rule that if a treaty is opposed—rejected—by just one country, it falls?

The Prime Minister: It is the Conservative party all over again; there it is, viscerally anti-European, and the truth is that it has not changed a bit. We all know the agenda of the hon. Lady and many Conservatives: they do not just want to defeat the treaty; they want us out of Europe altogether. That would be bad for Britain.

Q8. [211613] **Mr. David Chaytor** (Bury, North) (Lab): The extortionate prices that some pharmaceutical companies charge the national health service is a matter of continuing concern to doctors, patients and nurses. Are the Government discussing that with the industry, and what plans are there to cut the cost of new drugs to the NHS?

The Prime Minister: I hope that the whole House will welcome the fact that a new agreement has been signed with the pharmaceutical companies on the supply of drugs. It will save more than £1.5 billion on the cost of NHS drugs over the next five years and it will speed up the adoption of new drugs by the NHS. It will also mean that, when the Secretary of State for Health comes to the House with his proposals for the new NHS constitution and the Darzi review, we will be able to do more in future years to improve the NHS, which has already been transformed under this Labour Government.

Q9. [211614] **Mr. Michael Jack** (Fylde) (Con): The Prime Minister's special adviser on criminal justice, Louise Casey, has said that interviewing 13,000 people revealed that they felt cut off and remote from the criminal justice system. In the light of the fact that his Government have passed 50 pieces of criminal justice legislation, what steps will he take to restore public confidence in the criminal justice system?

The Prime Minister: Overall, crime has come down by 30 per cent., and it is as a result of more police on the street and the greatest investment in policing in our history. People need to feel safe as well as be safe, and it is important that we have measures that build community confidence in the policing and justice system. That is why Louise Casey has proposed that we strengthen community payback, so that young people who commit crimes return to their community to put their efforts into community work; that is why she wants to see an expansion of neighbourhood watch; and that is why we want community champions. That is also why we need CCTV and DNA, and it is wrong for the Conservative party to turn its back on those things.

Sex Encounter Establishments (Licensing)

12.32 pm

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision for the licensing of sex encounter establishments in England and Wales; and for connected purposes.

This Bill arises from my experience in Durham, and that of many other hon. Members, of the application of the Licensing Act 2003 to lap-dancing clubs. Several hon. Members—too many to be named as sponsors of this Bill—from all political parties share my contention that at present the law is simply inadequate to deal with lap-dancing club issues. I accept that this might partly be a lack of confidence among local authorities about how to use the Act, including over-cautious legal guidance, but nevertheless it appears that too many lap-dancing clubs are gaining licences where local residents, the police and others deem them to be totally inappropriate.

My Bill does not seek to ban lap-dancing clubs; it merely seeks to strengthen and add to the criteria that can be taken into consideration in deciding when to license a lap-dancing club in a particular location. It therefore seeks to strengthen the role that local communities can play in deciding whether a lap-dancing club is appropriate for their area.

My own unfortunate experience in Durham outlines all too clearly the need for the Bill. In August 2007, the city council approved an application, despite record objections, for a lap-dancing club on the main thoroughfare into the city, adjacent to the bus station and on the main route from the railway station, and in very close proximity to our wonderful cathedral and world heritage site. The city council appeared to dismiss objectors as moralists, even though the objectors in the main stopped arguing on the basis of the four licensing objectives. The decision to grant a licence to a lap-dancing club in that location caused outrage in the local community, to the extent that local residents took an appeal to the magistrates court—which they won.

Interestingly, the magistrates thought that the application from Vimac—the company that owned the pub—contravened all four of the licensing objectives, three of them strongly. Therefore, residents thought, in December 2007, that they were home and dry, but it was not so—I and they soon learned that Vimac had decided to seek a judicial review of the decision in the High Court. I have to admit to feeling utter dismay on behalf of my constituents. I realise that the Government could either go on trying to convince local authorities that they had sufficient powers to turn down lap-dancing clubs, even when that proved difficult in practice, or they could simply amend the legislation to make it easier for the clubs to be refused where they are inappropriate.

At first, I thought of asking the Government, as part of their review of the Licensing Act 2003, to put in a new clause that would license lap-dancing clubs as a separate category from bars and restaurants, but I got the impression that there was significant resistance to that suggestion. Thankfully, at that point I was introduced to Object, an organisation campaigning for changes to the licensing of lap-dancing clubs, and to its excellent solicitor, Phil Kolvin, who confirmed my suspicions in that respect.

Object and Philip have pointed to a much easier mechanism for achieving the end that I have set out. In London, lap-dancing clubs are considered to be sex encounter establishments under the Local Government (Miscellaneous Provisions) Act 1982. Sex encounter establishments are defined as venues where nude entertainment is provided for the purpose of sexual stimulation, and I think that the House would accept that that is a straightforward definition of lap-dancing clubs.

Licensing lap-dancing clubs in that way enables local authorities to refuse a licence when the applicant is unsuitable to hold a licence, where there are enough sex establishments in the locality, or when granting a licence would be inappropriate given the character of the locality and neighbouring premises, or the layout, character or condition of the premises involved. A much wider range of factors can be taken into consideration than is possible under the Licensing Act.

However, there are two major obstacles: first, under the 1982 Act, lap-dancing clubs can be categorised as sex encounter establishments only in London. Secondly, if a premises already has a licence for a bar or restaurant under the Licensing Act, it is exempt from the provisions of the 1982 Act. Because of that exemption, even in London most lap-dancing clubs do not fall under the 1982 Act. It is that loophole that our campaign is aiming to close, by allowing local authorities to license lap-dancing clubs as sex encounter establishments outside London. That would restore powers held by local authorities prior to the Licensing Act and enable them to decide on the quantity and location of lap-dancing clubs in their areas.

The way forward seems pretty straightforward, and that is why my Bill would amend the 1982 Act by extending the category of sex encounter establishments to outside London, and removing the exemption under the 2003 Act. What is being proposed is really common sense: it was clearly not Parliament's intention to have lap-dancing clubs treated the same as bars and restaurants, and altering the 1982 Act prevents us from having to argue for changes on this issue under the 2003 Act.

I say that because it seems to be very difficult to make changes under the 2003 Act. I thought that I was back in a sociology seminar when, some time ago, I had to explain why we should not disturb the conceptual underpinnings of the four licensing objectives that uphold the 2003 Act. In order not to have to do that, we can amend the 1982 Act instead.

I was very heartened by the response from the Minister in my Adjournment debate in Westminster Hall about the Government's willingness to engage constructively with the provisions of my Bill, and I have also been encouraged by more recent ministerial responses in the other place. That is good: consideration of and engagement with this issue are good, but action is what is needed.

The Government are clear that they want to be on the side of the people, and I agree that they should be. This is an excellent opportunity for them to put that sentiment into action. Come on, Government: be on the side of the people on this! In the main, local people are sensible about these issues. Most of us agree that there are areas in cities and towns where adult entertainment is suitable, and even areas in which it could grow, but that does not apply everywhere. People can choose not to encounter

[Dr. Roberta Blackman-Woods]

these premises if they are restricted to certain areas in cities and towns, but not if they are on a main street or thoroughfare.

Not surprisingly, the Lap Dancing Association is not happy with the Bill. It wants a voluntary code, but that will not do, as it simply would not empower local communities. Indeed, it would leave the present system intact. The association has specific arguments against the Bill that I believe can easily be dispensed with. It argues that lap-dancing clubs are not sex encounter establishments, and that they merely provide legitimate entertainment. That is fine: saying that local people should have more say over the location of lap-dancing clubs does not mean that the clubs are illegitimate; it simply acknowledges that they might be undesirable in some areas. The association says that it is easy for such premises to lose their licence, but my experience, and that of many other hon. Members, is that getting a review or a revocation of a licence is extremely difficult. Lastly, the association says that this is about banning nudity. That is not so. If that were the case, we would be trying to ban lap-dancing clubs.

Let me emphasise the point again, loud and clear, that local communities need more say about whether lap-dancing clubs should exist in their neighbourhood. The Bill seeks to give more say to local people, and that is what it is all about. I hope that all hon. Members will back the Bill.

Question put and agreed to.

Bill ordered to be brought in by Dr. Roberta Blackman-Woods, Ms Celia Barlow, John Battle, Peter Bottomley, Dr. Vincent Cable, Mr. Andrew Dismore, Dr. Ian Gibson, Barbara Keeley, Julie Morgan, Greg Mulholland, Dr. Phyllis Starkey and Lynda Waltho.

SEX ENCOUNTER ESTABLISHMENTS (LICENSING)

Dr. Roberta Blackman-Woods accordingly presented a Bill to make provision for the licensing of sex encounter establishments in England and Wales; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 17 October, and to be printed [Bill 123].

Orders of the Day

European Affairs

12.43 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): I beg to move,

That this House has considered the matter of European affairs.

I am delighted to open the traditional pre-European Council debate today. The House will know that my statement on Monday addressed the Irish referendum result—*[Laughter.]* The hon. Member for Wellingborough (Mr. Bone) might not agree with me about much, but I hope that he will at least agree that my statement addressed the result, which is all I am claiming for it at this stage. I am happy to reassure him that he will have plenty of opportunity during this debate, and even during my speech, to re-engage with those arguments. The Irish referendum result, and the view of the Irish Government, will be an important part of this European Council, and I will cover that issue today. However, the Council's agenda is dominated by key global issues, from rising food and oil prices to international development and climate change, and there can be no doubt that the Europe that we need over the coming years must be not only competitive and secure at home but outward-looking and actively engaged on the world stage. We are talking about the new agenda for Europe, which is needed more than ever, and which is at the heart of the Government's approach to the EU.

Mr. John Redwood (Wokingham) (Con): Cannot the Secretary of State see that the problem is not Ireland's, but the EU's, and that the peoples of Europe are trying to say, "We don't want more legislation and regulation from this machine, and we don't want this machine to get more efficient at ramming things down our throats"?

David Miliband: The right hon. Gentleman will know from the answer that I gave my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) on Monday that I do not describe the Irish decision as a "problem", as he does. I regard it as an Irish referendum decision, and the Irish Government have said that they want to take time to respond to it. It seems reasonable that we should allow that. I have heard people from right across Europe say that they want to respect the Irish decision. Part of that respect is to honour the Irish Government's request that they be given time to decide their next move.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will the Secretary of State confirm that the date on which the constitution was due to come into force—1 January 2009—can no longer be met?

David Miliband: I am sorry to be pedantic, but the treaty does not say that the treaty laws will enter into force on 1 January. It says that they will enter into force either on 1 January 2009 or when all 27 countries have deposited their articles of ratification in Rome. The test is whether there are 27 ratifications, and unless there are 27 ratifications, the treaty laws cannot come into force.

Kelvin Hopkins (Luton, North) (Lab) *rose—*

David Miliband: I should be happy to give way to my hon. Friend, but I will address the issue later.

Mr. Henry Bellingham (North-West Norfolk) (Con): He's your hon. Friend.

David Miliband: He is my friend; that is why I say that I should be happy to give way to him, but I will address the point substantively later in my speech. Is he content to wait?

Kelvin Hopkins: I should like to intervene. The Secretary of State said that other member states respect the Irish decision, but quotes from leading politicians in Europe suggest the opposite. Axel Schäfer, the SPD leader in the Bundestag, said that

"we cannot allow the huge majority of Europe to be duped by a minority of a minority of a minority".

That does not sound like respect to me.

David Miliband: Of course I have to respect the SPD leader in the Bundestag, but I prefer to respect the leaders of the SPD in Germany, Frank-Walter Steinmeier—the German Foreign Minister—and, of course, the German Chancellor. Looking right across Europe, Spain, which is on the left of politics, and the Prime Minister of the Netherlands, who is on the right, have addressed the issue, as has the Swedish Foreign Minister, who is also on the right. The Czech Republic is governed by what is seen as a centre-right party; the Czech Minister for Europe has been absolutely clear about the need not to draw what he calls dramatic conclusions, and the need for ratification elsewhere to proceed. Today, I looked at the work of the leader of the UMP party in France. On Monday, we heard a lot about a Franco-German plot to bulldoze the Irish decision. If my hon. Friend reads *Le Figaro* this morning, he will see that the leader of the UMP party—President Sarkozy's party—makes it absolutely clear that he agrees with the consensus around Europe that we should respect the Irish Government's determination to address the issue in their own time.

Bob Spink (Castle Point) (UKIP): Will the Secretary of State give way?

David Miliband: No. I will come back to the issue later, but it is important that we also address the major international issues that the Council will address. At the top of the agenda will be oil prices. Every British family knows that petrol prices are rising. Demand for energy in the developing world is growing fast. In fact, I think that I am right in saying that demand in the developed world is static, but demand in the developing world is rising; that is what is driving up demand. It is becoming more difficult and costly to access the world's remaining oil reserves. The Prime Minister has set out the steps that we want Europe to take to help

"balance energy supply and energy demand, not just now but in the medium term and long term."

There are two key elements to that. First, more effective and transparent markets are critical to reducing the uncertainty that contributes to high prices. That will be discussed tomorrow at the European Council. We will use the Council to push for European leadership in developing a new global dialogue between oil producers and consumers. That is critical to encouraging market stability and establishing a common understanding of supply and demand trends.

Mr. William Cash (Stone) (Con) *rose*—

Angus Robertson (Moray) (SNP) *rose*—

David Miliband: I will give way in a moment; let me just finish the point. A common understanding is vital to ensuring the necessary investment in oil production capacity and to keeping the markets supplied in an appropriate and timely manner.

On gas and electricity, the UK has been a strong advocate of further liberalisation of energy markets across Europe. That is important; it will help to ensure more efficient use of gas and electricity, and it will contribute to ensuring the lower prices that everyone wants.

Mr. Cash: In the light of the state of the European economy as a whole, will the right hon. Gentleman explain to the House why the Greek, Italian and Spanish economies are in such dire straits? There is 20 per cent. unemployment in eastern Germany. What is so wonderful about this European Union when it is not working?

David Miliband: There we have the authentic voice not just of the rebels in the Conservative party but of the heart of that party. The hon. Gentleman is at least honest about his own agenda, which is that Britain would be better off outside the European Union. His denunciation of all that is European reminds me of what his former heroine, Lady Thatcher, used to say about problems coming from Europe and solutions coming only from here.

Angus Robertson: Scotland is the largest oil producer in the European Union, so will the right hon. Gentleman confirm that there is no impediment in EU law to the introduction of a fuel price regulator that would offset the increasing costs for motorists here or anywhere else in the EU, and that there is no impediment to the establishment of an oil fund, such as that in Norway, in which oil profits are invested, so that the economy can support the benefits of that win in the natural lottery for ever, and not just for a year or a decade?

David Miliband: I am not sure whether the hon. Gentleman is arguing for a European regulator of oil prices, but we have not proposed that. I will leave his question about the lottery for another occasion, or for my hon. Friend the Minister for Europe to deal with in his winding-up speech.

Mr. David Chaytor (Bury, North) (Lab): Is it not the mother or all ironies that Conservative opposition to the Lisbon treaty has intensified at precisely the moment at which the need for international co-operation over fuel prices, energy efficiency and the fight against climate change has become more obvious?

David Miliband: My hon. Friend makes a very important point, and the Conservative party's true colours have been revealed in this debate. The Conservatives are not defending parliamentary sovereignty but defending an outdated view of the way in which the EU could, and should, work.

Chris Bryant (Rhondda) (Lab): The Russian Federation is one of the most important providers of energy to Europe, yet many European companies are anxious about their investments there, because they are nervous that in future the Russian Government might suddenly decide to seize those assets. Is it not important that Europe speaks with a united voice to Russia, to make sure that the security of our energy supply from Russia is guaranteed, and that there is no bullying of the nature that we saw towards Estonia and Ukraine?

David Miliband: My hon. Friend makes a very important point. Russia is a classic area in which the EU nations are stronger by working together. Europe is the largest energy market for the Russian Federation, and it is right that a common energy policy should be developed. That is how we will get a good deal for all Europeans, as well as ensuring that security of supply issues are addressed.

Mr. David Drew (Stroud) (Lab/Co-op): There is a problem with the liberalisation of energy markets. If we take the comparison between the French and ourselves, we see that the French have gradually moved into the British energy market, and taken over companies. We face the prospect of their becoming the major bidder for our nuclear industry if we are going for a serious rebuild, which I support, yet when the British try to look at how they would enter the French energy market they realise that there is no opportunity whatsoever to do that. It is a one-way street—that is what is wrong with liberalisation.

David Miliband: My hon. Friend makes an important point, which is exactly why we welcome the agreement at last week's Energy Council for significant unbundling requirements in the EU. That is an important step forward. I will obtain the figures, before my hon. Friend the Minister for Europe makes his winding-up speech, on household electricity prices in Britain compared with those in other countries, but we are, in fact, benefiting from foreign investment in this country.

I said that there were two aspects of the debate on oil prices, which are related to the need to reduce demand in the medium to long term. We can make a difference in the short term, whether on white goods or on light bulbs, but in the long term the massive increase in oil prices underlines the need to shift from high-carbon technologies towards low carbon. I am happy to associate myself—and I am happy for the Leader of the Opposition to associate himself with me—with the argument that a time of high oil prices is a good time to go green, not a bad time. In fact, high oil prices demonstrate the need to reduce demand, and we can make a difference, including through the European Union.

Thanks to the commitments that were set out in March 2007, the EU is already leading the way on this agenda. The Commission's 2020 package of climate change commitments was published in January. Negotiations are under way to determine what steps each member states needs to take. The French presidency has, I am pleased to say, pledged to secure political agreement on the package by the end of 2008, which is essential for Europe to be able to show the rest of the world, including a new US Administration, that it is serious about restructuring its economy towards low carbon, including two items that are particularly important across the whole Commission package: first, the commitment to up to 12 carbon capture and storage plants across Europe, which are vital for containing carbon growth; and, secondly, much lower emissions from cars. Both those items have been agreed in the EU.

Mr. Greg Hands (Hammersmith and Fulham) (Con): May I just take the Foreign Secretary back to something that he said on Monday on the Lisbon treaty:

"I do not think that now is the time to start cherry-picking parts of the Lisbon treaty"? [*Official Report*, 16 June 2008; Vol. 477, c. 712.]

May I tell him from the work that I do on the European Scrutiny Committee that that is already happening? The external action service and the external borders agency are coming in, and there is the European armaments agency and so on. Will he guarantee to prevent the stealthy introduction, which is already happening, of parts of the constitution?

David Miliband: I am grateful for the display of Europhobia from the hon. Gentleman, because the truth is that not a single one of the legal items in the European treaty can come into force until the treaty comes into force. I wish that his membership of the European Scrutiny Committee helped him to understand that basic point.

Keith Vaz (Leicester, East) (Lab): I accept that we cannot implement the treaty without ratification and without the Irish making a decision that allows for ratification in Ireland, but there are areas where we need to co-operate with our EU colleagues, such as the justice and home affairs agenda. We are not going to stop that co-operation just because ratification is a problem. Where we need to co-operate, within EU rules, we will continue to co-operate with our colleagues: we have to do that.

David Miliband: Within the existing EU rules, of course we should continue to co-operate.

Mr. David Heathcoat-Amory (Wells) (Con): My hon. Friend the Member for Hammersmith and Fulham (Mr. Hands) made a good point, and it deserves a better answer.

The Foreign Secretary appeared before the Foreign Affairs Committee last week, and he told us that work was going on at official level to set up the European external action service, which is euro-speak for the Foreign Ministry. Will he tell the Council meeting this weekend that work anticipating the Lisbon treaty must stop forthwith, otherwise it is a clear abuse of and insult to the Irish voters who tried to put a stop to it all?

David Miliband: I think that I am right in saying that I gave the Committee the view that there would be a lunch-time discussion at the meeting of Foreign Affairs Ministers on Monday about the external action service. I am happy to tell the right hon. Gentleman that that discussion was cancelled because of the Irish vote. I hope that he takes succour from that fact: far from the bulldozer continuing on its merry way, the discussion of the external action service among Ministers was stopped, precisely for that reason.

Bob Spink *rose—*

David Miliband: The hon. Member for Castle Point (Bob Spink) has been trying to intervene for a long time, but his will be the last intervention I will accept for a while, as I want to get on and leave time for other Members.

Bob Spink: As the Foreign Secretary claims that EU leaders will respect the Irish vote, what would he say to European Commissioners and politicians who were reported even today in Brussels as saying:

"The Irish were misled by the 'No Campaign' and did not understand the Treaty and therefore their vote is of no consequence and the European Union should press ahead".

Is that not overriding democracy?

David Miliband: It is better, if there are unnamed quotes, that I refrain from commenting on them, but I will tell the hon. Gentleman what my view is, and what I will say to other Foreign Ministers, and what the Prime Minister will say. The Irish Government's request for more time to consider what they are going to do should be respected.

The second big issue that will be discussed is rising food prices, which have affected consumers throughout Europe. The EU has already taken some sensible steps to moderate the pressure on food prices. It has removed the set-aside requirement for 2008, increased milk quotas and suspended import duties for cereals. The Council will consider what further mid to long-term measures it can adopt to help alleviate the problem. The Prime Minister will make the case for a re-examination of the impact of biofuels on food production, and we will also continue to reiterate our support for a reforming CAP health check over the next six months.

The Council will also address the international impact of rising food prices. We have already witnessed food riots in Haiti, Cameroon, Somalia and Senegal, and in Ethiopia, where 4.5 million people are in dire need of emergency food aid, aid agencies are warning of a new famine. Again, the EU has a responsibility and the opportunity to help to alleviate pressures, not only in the short term—for example, through the donation of more than $515 million to the World Food Programme—but in the long term.

Two aspects of that issue are particularly important. First, the EU needs to ensure fair competition and free trade not just internally but internationally. Securing a global trade deal is more important than ever, because import restrictions, tariffs and trade-distorting subsidies will not ensure affordable prices or adequate supplies in the long term. Secondly, in order to increase productivity for the longer term, the EU must do more to support investment in agriculture in the developing world. That means not just more money on equipment and fertilisers, but more investment in scientific and technological research that could help to ensure higher yields in the future.

Mr. Bellingham: I agree with the Foreign Secretary about global trade and free and fair competition, but does he agree that the time has really come for all the countries of the EU to stop set-aside? Too much land in the EU is still being set aside. It is completely crazy, and it runs totally contrary to what he said a moment ago.

David Miliband: I just referred to the CAP health check, and that is precisely the sort of issue that it can address. The budget for 2013-plus is for another—later—day, but the CAP review this year is an opportunity to address precisely this issue, and I agree that we should push forward with it.

On foreign affairs, the priorities for the European Council are Zimbabwe, Burma and the Balkans. Foreign Ministers will also discuss the Iran nuclear issue. On Zimbabwe, given the levels of violence being perpetrated by Mugabe's regime, including the torture and murder of opposition supporters and the cruel ban on humanitarian operations, it is clear that ZANU-PF is determined to intimidate its way to victory, irrespective of the human cost. However, brave people in Zimbabwe are determined to stand up for their rights, and their determination needs to be matched by our own.

In that context, it is worth reflecting on the article by Kofi Annan in today's *Financial Times*. He makes a very important point about the violence that is being perpetrated, saying:

"Already, there are credible reports that violence and intimidation against certain sections of society, intended to prevent them from exercising their democratic rights, are having the opposite effect. Zimbabweans are determined to have their voices heard and their votes counted."

Over the next week to eight days until the election, it is very important that we are seen to be giving support to those Zimbabweans who seek to exercise their democratic rights.

Mr. Christopher Chope (Christchurch) (Con): Will the right hon. Gentleman explain why, when Mugabe was in Italy the other day, he was not arrested for war crimes?

David Miliband: The hon. Gentleman will know that Mugabe was not arrested for war crimes because to have done that would have been outside the law. The hon. Gentleman may have his own views about war crimes, but I am sure that he will agree that the law needs to be followed in the prosecution of any war crimes case.

There are three immediate priorities for the EU in respect of Zimbabwe. First, we must continue to support all those working for democratic change within Zimbabwe. The priority is to get as many election observers in place as quickly as possible, so that they can witness what is happening on the ground and act as a deterrent to further violence and manipulation.

Secondly, we must continue to work to ensure that states and leaders in the region press Mugabe and ZANU-PF to stop the violence and allow people to vote. There are signs that Africa is increasingly frustrated with Mugabe and his criminal actions. The public letter by 40 prominent Africans, including ex-leaders of Tanzania and Botswana, shows today's African leaders the way forward, and we will urge them to continue to make their voice heard.

Thirdly, we must continue to ensure that the international community as a whole maintains the pressure on those who are responsible for the violence. It is right that we continue to raise that issue at the UN Security Council.

Mary Creagh (Wakefield) (Lab): I am sure that my right hon. Friend shares the disgust of Members from all parts of the House at seeing Robert Mugabe living it

[Mary Creagh]

up in a five-star hotel on the Via Veneto, but the UN gives diplomatic immunity to world leaders who travel to summits, and that overrides the EU's travel ban, so Mugabe was immune from prosecution there. Is not the issue to reform the UN's diplomatic protection for people to ensure that criminals such as Mugabe can be brought to justice?

David Miliband: That is certainly the issue in respect of Mugabe's attendance at the Food and Agriculture Organisation summit. I agree that the full force of international law must be felt for anything involving breaches of human rights.

Mr. Edward Davey (Kingston and Surbiton) (LD): The Foreign Secretary will know that in the past few years, the European Union has given the Southern African Development Community countries €50 million to support better governance and democracy and so on. Will he ensure that the European Council sends the clear message to SADC that its countries must put pressure on the Mugabe regime both before the election and after it if, as we all fear, Mugabe steals it with his intimidation, violence and vote rigging? SADC countries must stand up to him and not go down the path that Mbeki has taken.

David Miliband: The aid that we are giving to boost democracy in African countries should be maintained, but I certainly agree that we must ensure that southern African countries recognise the strength of feeling that exists in this country about the issue. Of course, the strength of feeling exists in their own countries, too. There are 4 million refugees outside Zimbabwe, which means that there is no chance of a free and fair election because they will not have a chance to vote. Those people are a burden on the rest of southern Africa.

Mr. Philip Hollobone (Kettering) (Con): Will the Foreign Secretary give way?

David Miliband: No. I am going to make some progress. *[Interruption.]* Oh, I had promised my hon. Friend the Member for Birmingham, Edgbaston that I would give way to her on the issue. I am terribly sorry.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Will the Foreign Secretary look again at the recommendation from the Select Committee on Foreign Affairs, which makes it clear that one thing that the Government could do is withdraw President Mugabe's knighthood?

David Miliband: That is one thing that we could do, but now is not the time to play Mugabe's game and make the issue a dispute between him and Britain; now is the time to make the issue the two different visions for the future of Zimbabwe. Obviously, my hon. Friend is right that that recommendation is an option.

Mr. Hollobone: What practical steps will the Foreign Secretary propose at the European summit to get international observers into Zimbabwe before the second round of elections takes place?

David Miliband: The most obvious way is through funding. The EU has pledged to provide funding and we do not want it to stand in the way of the deployment of monitors.

It is also vital that we do not lose sight of the ongoing humanitarian crisis in Burma, which has disappeared from the headlines but remains a very real issue. The UK is the largest bilateral donor and aid is now filtering through—albeit very belatedly. We welcome the leadership demonstrated by the UN and the Association of South East Asian Nations in tackling the crisis, but we want the European Council to underline the importance of lifting all remaining obstacles to the flow of aid.

Foreign Ministers will also discuss the situation in the Balkans. Since Kosovo declared its independence on 17 February, 20 member states have recognised it, and the Government in Pristina are getting on with running the country. They have begun implementing legislation to ensure the promotion and protection of the rights of communities and their members, the effective decentralisation of local government and the preservation and protection of cultural and religious heritage. Last week, on 15 June, Kosovo's new constitution entered into force, and I am pleased to say that it committed Kosovo to a stable, democratic and multi-ethnic future for all its people.

Mr. Cash: Will the Foreign Secretary give way?

David Miliband: No. I shall finish this point.

Mr. Cash: On that issue?

David Miliband: No. I shall finish this point and then bring in the hon. Gentleman.

Just before the constitution's adoption, UN Secretary-General Ban Ki-moon announced his intention to reconfigure the UN mission in Kosovo in response to the changed situation on the ground. At the Security Council, the Government will support Ban Ki-moon in taking forward that reconfiguration rapidly, both to reflect the Kosovo Government's new responsibility for administering the country and to create the space for the EU to play a major supporting role.

The European Council will reaffirm the EU's commitment to playing a leading role in assisting Kosovo as it moves forward. The EU has sent a special representative to Kosovo to provide political support and assistance; it is deploying a European security and defence policy mission, EULEX, to assist with policing and justice sector reform—the largest EU deployment of its kind; and, in line with the EU's perspective for the region, it will provide about €400m in financial support over the next three years to Kosovo's political and economic development.

Mr. Cash *rose*—

David Miliband: I have one final point, and then I shall come to the hon. Gentleman.

Kosovo's independence is of course an important step for the region—the last piece of the jigsaw from the former Yugoslavia. However, it is worth mentioning the recent progress that Bosnia and Herzegovina has made. It meant that the General Affairs Council was able to sign the country's stabilisation and association agreement on time.

Mr. Cash: What is the legal basis for the recognition of Kosovo and for the commitment of European resources for the purposes that the right hon. Gentleman described?

David Miliband: The legal basis is United Nations Security Council resolution 1244, which was passed in 1999 and which provides an enduring basis for a political settlement in Kosovo.

Rob Marris (Wolverhampton, South-West) (Lab): May I remind my right hon. Friend that this debate is on European affairs, not on European Union affairs? Too often in this Chamber, we elide Europe and the European Union, but they are different. Many countries in Europe are not members of the European Union. I hope that later in his speech, having already dealt with the Balkans, he might find time to say a little about the European countries that are not members of the European Union and the relationship between the United Kingdom and such countries.

David Miliband: I fear that I may disappoint my hon. Friend. I think that the western Balkans is the best that I can do as regards the European countries that are not yet in the European Union. Turkey is not on the agenda, and neither is Ukraine or Georgia. However, he will have noted the discussion that we had about Russia. There is an interesting discussion to be had about whether Russia is a European country; perhaps we can have that on another occasion.

In the context of the European security and defence policy, it may be worth noting that yesterday President Sarkozy published an important white paper on French defence and national security policy, which included his very strong commitment that the French

"armed forces are and will remain national. They will not be integrated into any supranational force."

Of course, I am happy to give that commitment on the part of British forces as well. Our forces do not belong to NATO or to the EU—they belong to us, and they always will. However, it is important to state that the Government strongly support the emphasis in the French white paper on capability development across Europe, greater civilian-military co-operation, and the development of modern operational systems for bringing together capabilities right across Europe.

It is important to emphasise in this respect that confusion has arisen in relation to European military operations. There is already a European security and defence policy co-ordination capacity comprising about 100 people in Brussels. It works to a British general. It is not a military operation headquarters and will not become one, but it provides advice to the Political and Security Committee and to the General Affairs and External Relations Council in advance of decisions on European deployments in Chad and elsewhere.

It is significant that the French white paper should commit not only to French membership of NATO—full re-integration into NATO—but to the idea that EU and NATO activities should be complementary. It makes that very clear. I, for one, believe that that is not only consistent with our interests but strikingly consistent with what the US Administration, from the President down, have been saying. President Bush himself said at the NATO summit on 2 April:

"Building a strong NATO Alliance also requires a strong European defence capacity."

I believe that the French commitments made yesterday can help us in that direction.

Lembit Öpik (Montgomeryshire) (LD): Does the Foreign Secretary accept that this is one of the key strategic considerations for the Baltic nations, of which I know Estonia the best? The Estonians consider that their internal security is best served within membership of the European Union, but even though Estonia is a small country, Estonians are willing and eager to be strategic players on the world stage. The only way that they can possibly become that is through a collective approach on the basis of the European Union. Does he agree that that is not only a sensible but an essential element, especially for smaller countries who want to play their part on the world stage?

David Miliband: I strongly agree with the hon. Gentleman. It is important to emphasise that the collective response that he mentions is based on national decisions about whether and when to participate. That is certainly the basis of European security and defence policy.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Does the Foreign Secretary agree that although making individual national decisions to co-operate is undoubtedly the way forward, confusion about whether there is a desire for a united European force is created by having regalia such as European flashes on soldiers' uniforms? Does he agree that it would be much better if there were not an insistence on such joint insignia, which unnecessarily confuse matters and arouse anxieties?

David Miliband: I do not think that there is any confusion, in this Government or elsewhere, about the fact that deployments are made on the basis of our own decisions, or that the question of insignia raises doubts. Whether in Chad or in Palestine, it is a good thing that these forces are working together without any loss of their national identity. The British forces remain proud of having the British flag on their uniforms, but it is reasonable for them to choose to have other insignia as well.

On Iran, on 2 May I chaired a meeting of E3 plus 3 Foreign Ministers in London, which agreed a renewed offer to Iran of economic, scientific and political co-operation—the second half of our dual-track sanctions and incentives approach. This was delivered to Iranian Foreign Minister Mottaki and its nuclear negotiator Jalili on Saturday by five political directors and Javier Solana, the high representative for the common foreign and security policy. We look to Iran to ensure co-operation with the international community, including on civilian nuclear power, or face continued and growing sanctions.

Mike Gapes (Ilford, South) (Lab/Co-op): Has the Foreign Secretary seen the report in *The Daily Telegraph* on Monday 9 June, which refers to the Iranian Government getting their assets out of western banks via Dubai with the co-operation of some Dutch banks? Will he take urgent steps within the European Union to ensure, through whatever measures are necessary, that the sanctions on Iran, if they are imposed, are effective?

David Miliband: My hon. Friend makes an important point, which is basically the point that I made in the discussion on Iran after Javier Solana's report to European Foreign Ministers on Monday—that the implementation of resolution 1803 on the Iranian nuclear programme goes forward, as does the work of the International Atomic Energy Agency, which has expressed "serious concern" about the continued Iranian nuclear programme.

Mr. Davey: Can the Foreign Secretary confirm that the package of incentives for Iran that has been put forward is to be published, and will he ensure that it is placed in this House so that colleagues can have access to it? That is apparently one of the main distinctions between these proposals and those put forward in 2005, which were not placed in the public domain.

David Miliband: The proposals were published in Tehran on Sunday and sent to all members of the UN Security Council, and they are on the Foreign Office website. I will check whether they are in the Library. The hon. Gentleman makes an important point. The key to this is for people in Iran and in the international community to see that Iran is not the victim of a western vendetta but the author of its own misfortunes. There is a serious offer of collaboration and co-operation with the Iranians if they are willing to abide by international rules. Iran can be treated as a normal country if it behaves like one and accepts the responsibilities of the international community as well as the rights that go with them.

The European Council also has an opportunity to push forward on the millennium development goals, which is an important issue across the House. Huge progress has been made since 2000, but seven years on we are not on track to meet the targets that were set. Last year, the Prime Minister issued his call to action, and the UN Secretary-General has designated 2008 a "year of action". However, rising food and commodity prices are making the task harder. That is why the millennium development goals are a top priority for the UK at Friday's European Council. As the world's largest aid donor, providing close to 60 per cent. of all aid, it is right that the EU plays a leading role on the MDGs. It has set itself a collective target for 0.56 per cent. of gross national income to be used for official development assistance by 2010. That would, in effect, mean a doubling of aid to more than €66 billion. We want the European Council to reaffirm that commitment and to agree how this money can be best used to support the MDGs in an agenda for action that sets out specific milestones, actions and time frames in key areas such as education, health and agriculture.

Finally, this week's European Council meeting of Heads of Government is the chance for a preliminary discussion on the Irish referendum result among Heads of State and Government. *[Interruption.]* I knew that hon. Members were on the edge of their seats waiting for this part of the discussion. I am happy that they have stayed so long to enjoy it. Let me pick up three points from the debate that followed my statement on Monday. First, the question was raised of why the Irish should be given time. The answer is simple—because they have asked for it. The Irish Prime Minister, Brian Cowen, said on Friday that

> "we need to pause to absorb what has happened and why, and to consult widely at home and with our European partners".

The Irish Foreign Minister, Micheál Martin, has also made it clear that

> "it is far too early for proffering...solutions or proposals".

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): Does the Foreign Secretary admit to deep concern that in the only three referendums that have taken place on these matters—in France, the Netherlands and Ireland—the peoples of those countries have rejected the further integration proposed in the successive treaties? Will he accept that we have come to a watershed in the history of the European Union? Given that there are many in Europe who want further integration, as well as many who do not, will he recognise not only the desirability but the inevitability of an à la carte Europe? That would mean all member states accepting certain core responsibilities, while for proposals on further integration, there will be not just an opportunity but a right to opt out for any country that believes such proposals to be against its national interest. Is that not the only way in which the peoples of Europe can give genuine democratic consent to continuing involvement in the European Union?

David Miliband: I am happy to associate myself with the first part of the right hon. and learned Gentleman's question about the serious concern that anyone should have about the results—or at least the concern that anyone in favour of the results should have. However, I do not recognise the picture in the second part of his question—that there remains in the European Union or among European countries a drive for integration. That may have been the picture in the mid-1990s, but the exhaustion associated with the Lisbon treaty, and the exhaustion of the integrationist project that he fears, is significant. The Lisbon treaty drew a line, not least in the 10-year moratorium that it posed on further institutional change. The flexibility in the current arrangements for the European Union—people are in the euro area, or in Schengen, but it is their choice whether to be there—and the choices extended to us on justice and home affairs policy give the lie to the idea that there is one centralised model for the future of the European Union, and that it is the only one available.

Mr. Peter Bone (Wellingborough) (Con): In the many hours that I listened to the excellent Minister for Europe take us through the Lisbon treaty, he made it absolutely clear that if the House rejected the Lisbon treaty, it would be dead. Why is it that when the Irish reject it, it is not dead?

David Miliband: I am grateful for the hon. Gentleman's very nice words about the Europe Minister; the fact that they mean the end of his political career is obviously a matter of some regret. I hope that the hon. Gentleman will find a way of withdrawing his kind compliments at some stage, although I fear that Labour Members were watching and may have heard his remarks. However, I wholly associate myself with them. I hope that that provides a degree of mitigation for the death sentence that has been handed to my hon. Friend. The hon. Gentleman and I are in agreement, however. Unless all 27 countries pass the treaty, it will not come into force. It is as simple as that.

Chris Bryant: Should the Foreign Secretary not point out to the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), who is a former Foreign Secretary, that he has got his facts wrong? There have not been just three referendums, but five. The most significant one was in Spain, where 77 per cent. were in favour of the treaty going forward. Have not many countries in Europe actually shown extraordinary forbearance throughout this process?

Mr. Bellingham: What a silly intervention.

David Miliband: It was an excellent intervention because my hon. Friend puts an important fact on the record. I am not sure about forbearance; I think that those countries showed patience and a determination to bring the institutional wrangling to an end. The way for the European Union to make itself relevant is not through further institutional reform, but through getting on with addressing the main agenda.

Mr. Hands: Will the Foreign Secretary give way?

David Miliband: Let me just make a couple more points, then I shall be happy to let the hon. Gentleman intervene.

The second issue raised in Monday's debate was a re-emphasis of the fact that there was no question of bulldozing the Irish, and it is not just the UK that is saying that. Throughout the European Union, Heads of Government and Foreign Ministers have promised to respect the Irish vote, and there is simply no way that the EU could ignore the Irish vote. The rules are clear: all 27 member states must ratify the treaty for it to come into force. Ireland cannot be bound by changes that it has not ratified.

National sovereignty means that each nation decides its own position. The Irish no vote is determinant of the Irish position, but it cannot decide the position of other countries. That is not just the UK's view. The Dutch Prime Minister, Balkenende, has said that

"the Irish "No" does not mean that we or other member states should stop our ratification processes".

Mr. Bernard Jenkin (North Essex) (Con) *rose*—

Mr. Redwood *rose*—

David Miliband: Just a moment. Listen to the point, then I shall be happy to take interventions.

The Swedish Foreign Minister, Carl Bildt, echoed that when he confirmed that Sweden's

"ratification process will of course not be affected."

The Belgian Prime Minister, Leterme, stated that Belgium is

"determined to continue with the ratification process".

The Irish have associated themselves with that position.

The British view is that Parliament should decide. We are due to complete parliamentary scrutiny in another place today. It is not just a matter of democratic principle. If we halt ratification, the UK will be leaving itself in limbo, unable to state its position clearly. To be fair to the Liberal Democrats on the issue, both in this House and the other place, they have realised that to choose limbo would be a crazy way to seek influence in the EU.

Several hon. Members *rose*—

David Miliband: The hon. Member for Hammersmith and Fulham (Mr. Hands) was first in line.

Mr. Hands: I am glad that the Foreign Secretary is talking about Monday's statement, because on re-reading it I found that one of its most interesting aspects was that there was no mention of any activity by our Prime Minister. At a time when we might show some leadership in Europe, it is remarkable that the Prime Minister appears to have done absolutely nothing since the Irish referendum result. At a time when the President of France is in Prague, meeting central European leaders who have problems with the treaty, could the Foreign Secretary say something about what our Prime Minister has been doing?

David Miliband: I am sorry, but that is a ridiculous point because the Prime Minister is the only leader in Europe who has actually met the Irish Prime Minister to discuss the matter. It is a completely absurd point.

I think that I have been speaking for long enough

Mr. Jenkin *rose*—

Mr. Redwood *rose*—

David Miliband: I did promise to give way to the hon. Member for North Essex (Mr. Jenkin).

Mr. Jenkin: The Foreign Secretary keeps repeating this line that the Irish no vote cannot be allowed to determine the position of the other member states. Of course the Irish vote does determine the fate of the treaty. Why is it in the interests of the European Union for other member states and the United Kingdom to continue with the process of ratification unless it is a political manoeuvre to put pressure on the Irish people to change their minds? That can be the only reason. It is a political ploy to validate the parts of the Lisbon treaty that are already being implemented, such as the European Defence Agency, against the wishes of probably the vast majority of the people of Europe.

David Miliband: It is interesting that the hon. Gentleman presumes that every country will ratify the treaty. Ratification is a choice for every country to make, and it seems wholly reasonable that we end up with a full picture, of which the United Kingdom is a part.

Dr. Julian Lewis (New Forest, East) (Con) *rose*—

David Miliband: The hon. Gentleman is waving at me in such a tempting and charming way, I feel that it is rightful that his should be the last intervention.

Dr. Lewis: I thank the right hon. Gentleman for the gracious way in which he yielded the Floor.

It is rather hard to understand how there can be any purpose whatsoever in a country continuing with the ratification process if the treaty can come into effect only by unanimity. If I had £5 for every time I heard, in the past 10 years and more, integrationists saying that the high watermark of integration has been reached and that the sea will now recede, I could retire from this House tomorrow and live very comfortably—[Hon. Members: "Hear, hear!"] Sadly, Labour Members will have to put up with me for a lot longer than that.

David Miliband: It is clearly becoming fashionable among those on the Conservative Benches to resign one's seat. I hope that I speak on behalf of all my hon. Friends when I say that I hope that the hon. Gentleman is one of the last in the long line of Opposition Members who are about to consult their electorate.

Mr. Davidson: May I pursue the Foreign Secretary on this point? Does he accept that it is not just a time for reflection for Ireland, but for the other member states as well? This problem is not solely an Irish one; it is a problem of legitimacy for the EU as a whole. Will he guarantee that the lesson the European leaderships learn from what happened in Ireland will not be that they should never again give the people a say on such matters? They should not try to introduce the treaty by stealth. It is worth while for the Foreign Secretary to give an assurance on those two points. I shall repeat this point: the treaty should not be introduced by stealth, piece by piece. There should be no cherry-picking.

David Miliband: However stealthy our efforts, I am sure that they would not escape the eagle eye of my hon. Friend and others. There is no question of implementing the treaty by stealth. He will know of its fate clearly.

Mr. Redwood: Will the Foreign Secretary give way?

David Miliband: No, I have finished—[HON. MEMBERS: "Give way!"]

Mr. Redwood: What new law or policy can the Foreign Secretary not get through the European Union today that he could get through if he had these new powers in the treaty?

David Miliband: There are good examples in the areas of qualified majority voting where Britain is blocked from making changes that are in our interests, whether on overseas development or on other areas. To be fair, the right hon. Gentleman was a regular attendee at our debates on the treaty. If he consults *Hansard*, he will be clear that there are key areas where, across the House, there was a determination to make progress but the current structures of the EU made that impossible.

Britain needs an effective EU more than ever. We need its clout as the world's biggest single market if we want green-product markets, as with high polluting cars. We need the collective weight of all 27 member states if we are to secure a new global trade deal. If we are to ensure the EU's huge aid budget is used effectively, we need all 27 countries on board.

It was clear from Monday's General Affairs Council that there is little appetite for a return to years of institutional negotiation. Issues such as climate change and energy security, migration and terrorism will not stand still while we wring our hands about the EU's internal structures. This is why the Slovene presidency is right to keep the focus of the European Council meeting firmly on the big global questions of the day, from rising food and oil prices to global poverty. This is why this Government are determined that the UK should be leading and shaping European policy and driving the organisation forward. That will be our strategy at the European Council on Friday and beyond.

1.31 pm

Mr. William Hague (Richmond, Yorks) (Con): The Foreign Secretary has quite rightly covered a wide range of subjects, and it is to be hoped that the European Council will address those subjects. I want to follow him into the detail of many of them in a few moments' time. His speech did not quite capture the drama of what happened at the end of last week; no doubt he was not too interested in capturing that drama. The drama was made by a group that seldom has a chance to speak directly to the corridors of Brussels—the voters of at least one nation of the EU.

After the French and the Dutch voters so rudely interrupted the passage of the European constitution, there was a mood in the subsequent meetings of Europe's Governments that referendums were to be avoided, encouraged by a British Government determined to break the promise that they made at the last general election. That Ireland does not allow referendums to be avoided on issues of such importance is a model on which we can usefully draw here in the future.

Now that the Irish people have been consulted and have delivered their verdict, the truth is that the political preoccupation of this week's European Council has changed, important as it is that the other subjects that the Foreign Secretary has mentioned must be discussed. It ought to be a time for a clear lead from the British Government on that subject. There was indeed a lead when France and the Netherlands rejected the constitution in 2005. The Labour Cabinet of three years ago seized ratification of the constitution at that time—something the current Cabinet seem to have neither the leadership nor the decisiveness to do.

The people of Ireland have been rightly praised for their commitment to participation in the democratic process with a very high turnout, for their courage in facing down the consequences with which they were threatened and for persevering in their judgment that the treaty was not in their best interests and would bring about a degree of integration in which they did not want to participate. I continue that praise of them today.

I will of course return to that subject in more detail, but the Foreign Secretary mentioned, quite rightly, the importance of oil prices, which indeed should be addressed at the summit, and of climate change. As he knows, there is near-unanimity in the House in support of the agreement made in the EU last year—an agreement which of course did not require any additional powers to bring it about or to pursue it. On food prices—he mentioned reform of the common agricultural policy—the problem exposes even more clearly what an error it was to give away £7 billion of the British rebate without a clear commitment to reform of the CAP, as happened under the Government two years ago.

Mr. Redwood: Did my right hon. Friend catch from the Foreign Secretary—I certainly did not—any answer to the offer from the Saudis that they would pump more oil if western Governments would cut their tax? When on a litre of petrol 70p goes to the Government and 45p to the oil producer, it would seem only fair that the Government should contribute as well as the oil producer.

Mr. Hague: I did not catch any response from the Foreign Secretary to that. My right hon. Friend has made a fair point but, if he will forgive me, I want to press the Foreign Secretary on one or two other subjects that he did mention, and on which I and the House would welcome some further enlightenment or response.

The Foreign Secretary quite rightly mentioned the situation with Iran, and that he chaired the meeting of the E3 plus 3 Foreign Ministers at the beginning of

May. We welcome the initiative taken to strengthen both the incentives and the sanctions, and the delivery of those incentives to Iran. But I want to ask Ministers about sanctions on Iran, given the possibly alarming sequence of events since the Prime Minister's statement at his news conference with President Bush on Monday this week. The Prime Minister announced with a degree of confidence:

"Today, Britain will urge Europe and Europe will agree to take further sanctions against Iran...We will take action today that will freeze the overseas assets of the biggest bank in Iran, the Melli bank. And secondly action will start today for a new phase of sanctions on oil and gas."

This was no doubt intended to show solidarity with President Bush and to please him, and those of us who met President Bush immediately afterwards know that he was pleased with that announcement.

It does now seem that these steps were not agreed and this action was not taken. Furthermore, according to press reports, Javier Solana explicitly denied that any such agreement had been reached. *The Financial Times* today quotes a US diplomat who said that the Prime Minister

"'was wrong'. He made an incorrect statement. The problem is that the US delegation and the US press believed him. On the scale of diplomatic blunders, one delegation member put it as a 'seven out of 10'." The Iranian Foreign Ministry spokesmen quoted in the Iranian press today have said: "The European officials have rejected Brown's statements and have announced that there is no new decision for intensifying sanctions against Iran."

Can Ministers enlighten us as to what has happened here? According to today's *Financial Times*,

"Bank Melli is working in exactly the same way today as it worked yesterday. It can use its assets in whatever way it likes. (Indeed, one imagines they will now be moving a lot of them to Dubai.) Its offices in London are open."

There may be some explanation of this of which the House is unaware, but this is one of the most important issues facing the world; there ought to be proper co-ordination of the statements of the British Prime Minister with the actions of the rest of the European Union and the statements of the EU high representative. If the Foreign Secretary or the Minister for Europe wishes to intervene to give any further explanation of this now, I would very much welcome that. As things stand, the Prime Minister committed this country to a course of action that has not been taken, and did so on Monday in a way that seems to have disillusioned the US, annoyed other Europeans and given a propaganda coup to the Iranian Government. If that is the case, it takes the conduct of our nation's affairs to a whole new level of blundering incompetence, and we expect an explanation from the Government.

Mr. Cash: My right hon. Friend is making an extremely important point, but will he consider that part of the problem is the fact that we have the high representative who, effectively, can go around the world speaking on behalf of Europe? Nobody really knows what he is being told, on what terms he says things or how he is to conduct the affairs of Europe as a whole. Is it not far more important that we should ensure that the foreign policy of this country is in fact conducted through our own Foreign Secretary?

Mr. Hague: That is a slightly different debate, if my hon. Friend will forgive me. Of course there is a wholly legitimate debate about the control of foreign policy, but my particular point is that, given the existence of the EU high representative and his responsibilities, it is enormously disturbing in one of the most sensitive situations in the world, relating to the future control of nuclear weapons, for the British Prime Minister to say something on Monday, and then for Javier Solana, the EU high representative, to be quoted in the next day's newspapers as denying that any such agreement has been reached, and for the Iranian Government to be able to make capital out of it. I know that the Foreign Secretary is looking mystified, but I hope that he will accept that that is a wholly legitimate thing for the Opposition to ask about in the House.

Mr. Chaytor: I am not familiar with the details, but surely the conclusion that we can draw is exactly the opposite from that drawn by the hon. Member for Stone (Mr. Cash): this case reinforces the need for a common European voice in foreign policy.

Mr. Hague: Without an adequate explanation, the conclusion that we can draw is that the Prime Minister does not know what he is doing. He was prepared to make an announcement with President Bush, but the Americans are now extremely angry that it did not turn out to mean what it said. However, I would certainly welcome an explanation from the Foreign Secretary.

David Miliband: I am very happy to give an explanation that completely rebuts the central allegation that the right hon. Gentleman is making. There is political agreement across the European Union on the measures that we have set out. The allegation is that Javier Solana said—I think that the right hon. Gentleman said that this was in a newspaper report—that there had been no discussion of the announcement on Monday. I certainly spoke about it; other Foreign Ministers spoke about it. There are now technical implementing measures being taken, to ensure that it comes into effect in an appropriate way. The right hon. Gentleman and I are, I think I am right in saying, both in support of the dual-track policy of incentives and sanctions. The difference between us is that he wants to attack the Prime Minister and I want to defend him. On the substance of the issue, I assure the right hon. Gentleman that the European Union is working cohesively, using the office of the high representative.

Just to go a step further, I can assure the right hon. Gentleman and the hon. Member for Stone that, as well as Javier Solana in Tehran, those represented there included our country, through our political director, and four of the other five countries. Obviously the position of the United States is slightly different in terms of delegations to Iran, but I assure the right hon. Gentleman that both the European high representative and the representative of the British Government were in Tehran for the meetings and for the delivery of the package.

Mr. Hague: I am grateful for that, but hon. Members will realise, if they are listening, that that is not an answer to the question that I am raising. I very much agree with the right hon. Gentleman on the policy of incentives and sanctions, and I have no reason whatever to doubt that those representatives were all there together. What I am questioning is the Prime Minister saying on Monday that action would be taken "today"—Monday—to

"freeze the overseas assets of the biggest bank in Iran"

[Mr. Hague]

and that action would start "today" for a

"new phase of sanctions on oil and gas."

There has been no evidence over the past 48 hours that any of those things have happened. Therefore, the credibility of British policy on the matter will have been reduced, with consequent effects in the Iranian newspapers.

That is a disturbing state of affairs. I do not want to take up all the time today asking about it, but we shall have many further questions to ask in the House about that matter and about the future conduct of the policy. I hope that ensuring that there is real European Union agreement among Heads of Government will come up at the European Council.

I have much less to quarrel with the Foreign Secretary about on Zimbabwe. I very much agree with the thrust of his remarks, and there is a great degree of unity in the House, much of which was expressed in Prime Minister's Question Time. The Southern African Development Community and the African Union have a crucial role and a responsibility to continue their engagement to try to resolve the crisis. However, we must not shy away from our responsibility towards the long-suffering people of Zimbabwe.

Of course we hope that Britain continues to take a lead in ensuring that the EU explores further options for increasing pressure on those who have directed and engaged in state-sponsored violence and who are destroying Zimbabwe. We want the Foreign Secretary, or the Minister for Europe when he winds up, to confirm that Britain is seeking agreement now, ahead of what looks like a deeply unfair election on 27 June, among our international partners on the most effective response to an announcement by Mugabe that he has won the election—namely, that Ministers would seek immediate Security Council action.

The Foreign Secretary referred to raising the matter at the Security Council, which we very much support. However, we hope that he will endorse the idea of a Security Council commission of inquiry to investigate reports of torture, murder and human rights violations. We hope that Ministers believe, as we do, that there is a strong case for the International Criminal Court to examine the situation in Zimbabwe closely, given what has happened in recent months. It is, of course, also vital that African nations should withhold recognition of any flawed result and that the EU should approach African nations to encourage them to withhold recognition. Indeed, that should be one of the outcomes of the forthcoming Council meeting.

On the other matters that the Foreign Secretary mentioned, I strongly support what he said about the progress in Bosnia and agree with him that the progress made in Kosovo is welcome, including the new constitution. I want to return at the end of my remarks to some of the wider, forward-looking issues that he raised, but he will forgive me for now saying a little more about the Lisbon treaty and the result of the vote in Ireland.

The crisis that the European Union faces this week—and it is a crisis—is one of its own making. The crisis has not been brought about by external factors or agents and has not arisen over a fundamental disagreement over any substantive matter of policy; rather, it is a democratic crisis. The question before the EU now is whether it is the kind of organisation that respects democracy or even understands the importance of popular consent in building successful, lasting institutions.

The crisis is also totally unnecessary. The EU faces no institutional obstacle in pursuing its agreed goals, and daily business goes on as normal. In its own terms, the EU is working perfectly well. As one recent academic study on decision making in the EU found, "business as usual" rather than "gridlock" has been the norm since enlargement. The whole purpose of the original constitution and the Lisbon treaty, which are so much the same, was to move more power from Europe's nation states to the EU, to create new institutional structures.

The Foreign Secretary has often spoken of the need to bring an end to the institutional debate. It is a pity that the Government did not say that before the Lisbon treaty, rather than after it.

Keith Vaz: *rose*

Mr. Hague: I give way to the former Minister for Europe.

Keith Vaz: I thank the former Secretary of State for Wales. He attended a number of summit meetings when he was in the Cabinet and when he was a junior Minister. How can it be possible for the 27 members of the EU to conduct their business properly with the rules that were created for 15?

Mr. Hague: That question may reveal the fact that the right hon. Gentleman is a little out of date on what has been happening in the European Union in the past few years. There seems to have been a change in the atmosphere. It seems to be true that countries are less likely to wield or threaten the veto in a Union of 27 nations. There has been a willingness to work together. The study that I quoted is by people who have no axe to grind from what one might call a Eurosceptic point of view, but simply set out dispassionately to see how the European Union was working. To change that in a massive institutional way requires a degree of popular consent. Indeed, it requires majority popular consent in the countries of the European Union. However, it is clear now that that consent is not forthcoming.

Kelvin Hopkins: Following the question that my right hon. Friend the Member for Leicester, East (Keith Vaz) asked, would it not be easy, with a much larger Union, to devolve more power back to member states' Parliaments and for the EU to try to do less? Would that not solve the problem of having a larger Union?

Mr. Hague: The hon. Gentleman makes an extremely powerful point, and there is indeed a strong case. We have heard so much about subsidiarity over the years, yet we have not seen decision-making powers in any respect returned to the nation states. If that was to happen, even in some areas, it would change the dynamics of the debate. However, there has been a one-way ratchet for a long time, and that is what the people of Ireland, France and the Netherlands have reacted against.

Mr. Jenkin: Is it not altogether inconsistent for the former Minister for Europe to support the treaty, which gives more power to the institutions of the European Union and takes power away from the member states, given that he told the European Reform Forum back in 2005 that the European Union

"is not a country, so it cannot be a democracy"?

Every time we take power away from member states and give it to the European Union, we are taking power away from democracy and giving it to something that is not a democracy.

Mr. Hague: Well, that is a good one, but I do not want to pick on the former Minister for Europe; when we really want to pick on him, we have even juicer things to go at him with. After all, although he supports the Lisbon treaty, which brings the charter of fundamental rights into legal force, he was the Minister who said that the charter would have the legal force of *The Beano*. So now we have *The Beano* enshrined in the Lisbon treaty. Whenever we want to pick on him, we have that to resort to, but I do not want to do that any further today.

Daniel Kawczynski: My right hon. Friend is making a very powerful critique of the Government, but before he finishes his speech will he turn his attention to the Liberal Democrats, who have behaved in an extraordinary way over this whole process—abstaining in this House, but refusing in the other place to support the referendum?

Mr. Hague: My hon. Friend can be assured that, in line with all debates on Europe over the past six months, I am coming to the Liberal Democrats. I am only a few pages away, although I might even skip a few pages to bring that moment on a little earlier.

I wanted to make the observation that the accusation is flung at the Irish that they perhaps rejected the Lisbon treaty because they did not understand it. Indeed, some of them said in television interviews and opinion polls that they did not understand it. If they did not understand it, however, whose fault was that? There is something wholly appropriate about people voting against this treaty because it was incomprehensible, since its incomprehensibility was a calculated and deliberate decision. Let us remind ourselves that Giuliano Amato, one of the drafters of the treaty, said that they had

"decided that the document should be unreadable. If it is unreadable, it is not constitutional".

Valéry Giscard d'Estaing said that

"although the British, Dutch and French have insisted we eliminate all reference to the word 'constitution'... all the earlier proposals will be in the new text, but hidden and disguised in some way".

I have already quoted a Belgian Foreign Minister, who said:

"The Constitution aimed to be clear, whereas this treaty had to be unclear. It is a success".

Well, his joy was premature, because this result poses a Morton's fork for supporters of the constitution in any of its guises. If people cannot understand the substance of the treaty, they reject it, but if they can, as the French and Dutch voters did in its earlier more comprehensible form, they dislike it just as much. That makes the refusal to draw the obvious conclusion and drop the whole thing more puzzling and it makes the Government's determination to avoid letting the British people have their say in a referendum more comprehensible, if deeply cynical, which is what that decision has been.

David Taylor (North-West Leicestershire) (Lab/Co-op) *rose*—

Dr. Julian Lewis *rose*—

Mr. Hague: I give way to the hon. Gentleman first and then to my hon. Friend.

David Taylor: Is not the right hon. Gentleman being a little narrow and unfair to the Irish people? Even their own politicians acknowledged that they had not read or fully understood the document—not unlike, it has to be said, what the right hon. and learned Member for Rushcliffe (Mr. Clarke) said in a similar debate in a different era.

Mr. Hague: I thought that I was defending the Irish people and, indeed, their politicians and their EU Commissioner, Charlie McCreevy, who said yesterday:

"We should not apologise for the democratic process we went through. Many other electorates in Europe would like to have gone through the same process."

Well, he can say that again.

Dr. Julian Lewis: One aspect of the treaty that most people did understand was that if it had gone through—or if, heaven forbid, it still does—it would have been the last time that any question would have arisen of anybody having to have a referendum before making any further constitutional changes. That was the ratchet effect that it had. May I draw my right hon. Friend's attention to the very interesting early-day motion 1828, tabled by the hon. Member for Glasgow, South-West (Mr. Davidson), which quotes the German Interior Minister as saying that

"a few million Irish cannot decide on behalf of 495 million Europeans"?

It looks as if some people thought that the treaty had already gone through, when, of course, that was the objective of putting the treaty through—to make sure that it could never happen again.

Mr. Hague: Once again, my hon. Friend makes a powerful point. Early-day motions from the hon. Member for Glasgow, South-West (Mr. Davidson) are, when they are on this subject, full of wisdom. Indeed, I was going to make the same point—that it has been said that a country of 4 million cannot hold up a continent of 500 million, which is an extraordinarily revealing argument. The EU is a union of sovereign and independent nation states; it is not a sovereign polity in its own right, in which a single state's objections can be overridden by the majority of a federation. The fact that that argument was made—it was made in this House in response to the Foreign Secretary's statement on Monday—is indicative of a mindset that sees such a polity as the ultimate goal of the processes of the EU. That argument is not only wrong conceptually: it ignores the most salient fact that only those few million have had the chance to vote on the treaty—on this version of it—and that if others were offered the chance to vote, many more would reject it as well. Among those many, there is every indication that the vast majority of voters in this country would be included.

Mr. Eric Illsley (Barnsley, Central) (Lab) *rose*—

Several hon. Members *rose*—

Mr. Hague: I give way to the hon. Member for Barnsley, Central (Mr. Illsley), who tried to intervene first.

Mr. Illsley: I suggest to the right hon. Gentleman that, because of the nature of the treaty, it has to go through on the basis of unanimity among all countries,

[Mr. Illsley]

so the statement that 4 million people cannot hold up the other 480 million or whatever cannot be relevant to the treaty. Perhaps that quote is more relevant to the idea of a two-speed Europe, in which the rest of Europe goes ahead without the countries that want to lag behind.

Mr. Hague: What I think is meant by those who say that a few million cannot hold up several hundred million is that they hope that a process of ratification will be completed in the other 26 countries, following which the Irish can be told that they have no real option other than to vote again. That is why, despite the fact that the Government say that there is to be no bullying or bulldozing of the Irish, the completion of the ratification process after the Irish referendum result is part and parcel of a fully intended bullying and bulldozing process.

Ms Gisela Stuart *rose—*

Several hon. Members *rose—*

Mr. Hague: I shall give way to the hon. Lady, but then I want to make some progress, as I promised to come on to the Liberal Democrats and I have not yet reached that point in my speech.

Ms Stuart: The right hon. Gentleman's argument is supported by the fact that, in earlier discussions when the original constitution was drawn up, there was a very strong move to insert a clause to invite a country that failed to ratify to leave the European Union. At the time, it was excluded only because it was thought that Britain would be the problem.

Mr. Hague: That is another powerful point, which underlines how those who believe that there is an inevitable process of political centralisation to be pushed forward in Brussels have been surprised by the reaction of the peoples of Europe. The people of the Netherlands are not raging Eurosceptics and the people of Ireland are not anti-European. The votes cast in those countries and in France show how ridiculous it is to accuse anyone opposed to the Lisbon treaty or the EU constitution of being anti-European. Those who are against those texts now know that millions of people are on our side across many different countries of Europe.

We live in a democracy—

Several hon. Members *rose—*

Mr. Hague: Let me proceed; I have already taken many interventions and taken up nearly half an hour. I will take some more interventions later.

We live in a democracy. Our Government draw their mandate from the British people to whom they put a manifesto setting out what they would do. The Labour party's manifesto said that it would put the constitution to a referendum, but said nothing about signing up to another EU treaty without a referendum, let alone a treaty that just about every other European Government agree is almost identical to the EU constitution. The Government have no democratic mandate to go ahead with ratification.

There is a question that the Prime Minister, the Foreign Secretary and anyone else who has denied the British people their say cannot answer. If they want to put forward the "British view", as the Foreign Secretary mentioned last Friday, why do they not find out what the British view is in a referendum or a general election? They know the answer, but they dare not say it. If they sought the opinion of the British people in a referendum, the treaty would be rejected. This is cynical and calculating behaviour, which is an abuse of the voters' trust. One way that this declining Government could renew the voters' trust would be to take the bold step of having a referendum, but there seems to be no prospect of the Prime Minister doing that. Instead, the Government are left to explain why the Irish people should have their say on this treaty, but the British people should not. It seems that the Irish people may have to vote twice before the British people have voted even once.

The Foreign Secretary needs to think very carefully about all this. I should have noted earlier that this is our first debate since his leadership campaign began in the ranks of the Labour party. He is meant to be going on a tour of Britain in the autumn—a meet-the-country roadshow, as it was described in the *Daily Mirror*. The paper says that the Foreign Secretary

"is preparing for a possible Labour Party leadership battle by going on a tour of the country".

Most Foreign Secretaries go on tours of other countries, but for some suspicious reason, he is going on a tour of this country.

Keith Vaz *rose—*

Mr. Hague: Let me finish the point. The Foreign Secretary is going on a tour of this country. One senior Minister commented:

"'It's so blatant...This is obviously all about David positioning himself for a future contest.' A spokesman for Mr. Brown said the PM would be 'relaxed' about"

this. That should concern the Foreign Secretary, because that was the official line of the Prime Minister when he was Chancellor and Tony Blair hung on to office for several extra years—he was meant to be relaxed about it.

The Foreign Secretary has received the endorsement of the right hon. Member for Kingston upon Hull, East (Mr. Prescott), the former Deputy Prime Minister, who says he is a "brilliant" man and a future leader of the Labour party. The right hon. Gentleman asked for the Foreign Secretary to be one of his junior Ministers. How the Foreign Secretary must regret that that did not happen, as all the right hon. Gentleman's administrative skills would have rubbed off on him.

I raise that point only because I want to suggest where the Foreign Secretary should go on his tour of the country. I thought he might like to go—

Keith Vaz *rose—*

Mr. Hague: The right hon. Gentleman once had a roadshow. It did not get very far. It made two stops, conked out and was never heard of again.

The Foreign Secretary should go to Bury, Southampton and Nuneaton. He might call in at Crewe and Nantwich. He could take a trip down river to city hall. He will find the British view, which is that the country at large does not think that the Government have a very good idea of the British view and wants a different Government instead. If he really wants to be leader of the Labour party, he would do better to stand up for the British view that Lisbon should not be ratified and that European

political integration has gone far enough. Instead of opposing in government the settled will of the British people, he should support the settled will of the British.

Several hon. Members *rose—*

Mr. Hague: I give way to the champion of roadshows, the right hon. Member for Leicester, East (Keith Vaz).

Keith Vaz: I am most grateful to the shadow Foreign Secretary for giving way a second time. Does he recall his roadshow, which was launched in 1999 on the back of a lorry? I think it lasted about a month.

Mr. Hague: It lasted, to my huge inconvenience, a lot more than a month and took me all over the country, including to places held at the time by the Labour party. I recommend that the Foreign Secretary do the same and I look forward to his embarking on it.

Now we face the position—

Mr. Chaytor: Will the right hon. Gentleman give way?

Mr. Hague: No, I really must continue. I have already been speaking for half an hour.

We face the position of ratification being decided in the other place—indeed, during this afternoon. It is out of the hands of the House. Of course, the casting votes down in the other place belong to the Liberal Democrats. That is why I have to say a word.

I have written twice—

Rob Marris: Will the right hon. Gentleman give way?

Mr. Hague: No, let me discuss this point. I have written twice to the right hon. Member for Sheffield, Hallam (Mr. Clegg), asking for an explanation of the position taken by the Liberal Democrats in the other place, and in particular why they differ in almost every respect from the position taken by the Liberal Democrats here. I have yet to receive a reply. I am looking forward to the hon. Member for Kingston and Surbiton (Mr. Davey) setting those matters out in his speech.

Future students of our politics will be intrigued by some of these questions, such as why Liberal Democrat peers abstained on a vote on an in-out EU referendum when Liberal Democrat Members here were so angry at not getting such a vote that they stormed out of the House in great fury at the decision of Mr. Speaker. The Liberal Democrats said at the time that that was the "real debate" the country wanted, yet when the debate took place in the other place, they decided to abstain.

The Liberal Democrats also voted in this House to increase parliamentary control of what we call the ratchet clauses, yet in the other place the Liberal Democrats voted against increasing parliamentary control. Otherwise, the amendment would have been carried. In this House, an amendment on parliamentary scrutiny of the internal market was tabled in the name of the hon. Member for Twickenham (Dr. Cable). When an identical amendment was tabled in the other place, the Liberal Democrats voted against it.

Those future students will be intrigued to see that Liberal Democrats in the House of Lords voted against a referendum on a three-line Whip, although Liberal Democrats in this House were on a three-line Whip to abstain. Several leading Liberal Democrat Members had to resign over it. Those future students will also be intrigued as to whether it was worth having a Liberal Democrat leadership election or whether the Liberal Democrats should just have left the post vacant, because there is no sign of any decisiveness.

On Sunday, the right hon. Member for Sheffield, Hallam, the leader of the Liberal Democrats, said that

"we should not just somehow airbrush out of history the Irish vote. I really hope that the European elites won't behave with the arrogance that a lot of people think they should",

but then the Liberal Democrats proposed to vote to ratify the treaty. It is the height of arrogance to disregard the Irish vote and ram the treaty through Parliament.

On Sunday, the hon. Member for Kingston and Surbiton was quoted as saying that

"the Government should not proceed with the final stage of ratification".

Of course, if they win this afternoon's vote in the House of Lords they will be able to proceed with the final stage of ratification and they will do so only on the back of Liberal Democrat votes.

We have previously discussed the sad journey of the cojones that were thrust into view by the right hon. Member for Sheffield, Hallam in his article of some time ago, and we concluded that they had been impaled on a distant fence. It now appears, after what the Liberal Democrats have been doing in the Commons and in the Lords, that those cojones have been separated from each other. This is the new agony in which the Liberal Democrats have been placed. No doubt everything will become clear in a few minutes.

Rob Marris: I am grateful to the right hon. Gentleman, who is being generous in giving way.

I get the impression that the right hon. Gentleman does not really like the treaty of Lisbon, that he is quite happy with the Irish decision and that he hopes that it will lead to the killing of the treaty. I think I have that right. Now, to take it on from there, will he tell us what he wants to happen? Is he content with the EU carrying on with the Nice treaty? Would he like to unpick that or would he like to have Nice plus, or very Nice, as it is sometimes called?

Mr. Hague: I shall conclude my speech, if I am able to get to the conclusion, with what I think the EU should focus on now. I congratulate the hon. Gentleman on his perceptiveness in realising, after all these debates, that I am opposed to the Lisbon treaty and am glad that the Irish have indeed rejected it.

I will come to that point, but before I do I should say that we share the view of the Czech Prime Minister that it would be wrong to consider the

"Irish 'no'... less serious than the previous French and Dutch 'noes'",

after which the EU at least decided to drop the constitutional treaty in its original form. To do otherwise would send the clearest message that the views of small countries do not count in the EU and that when their voters object to a treaty the EU's preferred answer is to bully them into voting again until they get the answer right.

Mr. Davidson *rose—*

Mr. Hague: Having praised the hon. Gentleman, I have to give way to him.

Mr. Davidson: I want to raise the point relating to recognition of the views of small countries. I refer the right hon. Gentleman to the excellent early-day motion 1828, which quotes the Polish Prime Minister, who said that

"irrespective of the results of the referendum in Ireland... Europe will find a way of implementing this treaty".

Does the right hon. Gentleman not feel that that demonstrates clear contempt for the Irish vote? Indeed, to show that it is not only right wingers who take that view, Axel Schäfer, leader of the SPD in the Bundestag, said that

"with all respect for the Irish vote, we cannot allow the huge majority of Europe to be duped by the minority of a minority of a minority".

Does the right hon. Gentleman accept that that is not acceptable?

Mr. Hague: I very much agree with the hon. Gentleman. Of course, those remarks are not in accordance with the position expressed by our own Government, who say that the result should be respected, even though they have not taken any action to respect it. We have heard a lot about respecting the Irish referendum result, although those comments are wholly in conflict with that.

I want to pick up on a point that was made earlier to the Foreign Secretary by one of my hon. Friends, which is that respecting the result should mean not only dropping, or at least suspending, ratification here, but ceasing preparatory work on implementing the treaty, because to carry on with that would be disrespectful to Irish voters. It should mean ending the work on the European external action service, including on which Commission departments are to be transferred to the service, how the Commission's directorates-general relate to it and so on. It should mean ensuring that the Fundamental Rights Agency works on the basis that the charter of fundamental rights is still only a political declaration and not legally binding. It should mean that preparations for the establishment of the new permanent post of President of the Council are stopped, which should at least save some money. It should mean that all legislative proposals are strictly based on current treaty provisions. We could have much firmer guarantees from the Government on those points than anything we have heard so far in the debate.

There is so much for the EU to do. The Foreign Secretary rightly spoke about a broader agenda, and the hon. Member for Wolverhampton, South-West (Rob Marris) asked what the agenda of the EU should be. I think that the EU could quite happily drop the treaty and get on with the job in hand of getting the EU to deliver on the proper priorities of global warming, global competitiveness, global poverty and, as the Foreign Secretary rightly mentioned, the millennium development goals.

There is much to do on global warming, such as putting a real price on carbon to get the emissions trading scheme working properly. On global poverty, we should do the one thing that would do most to empower the poorest people in the world and reach a successful conclusion on the Doha trade round, or we should sort out the severe failures in EU aid programmes caused by bureaucracy and administrative shortcomings. On global competitiveness, we need to keep working at the nuts and bolts of success: the timely transposition of internal market directives, the completion of public procurement rules and the need to ensure the free movement of goods by mutual recognition of standards.

Those are not glamorous or far-reaching political institutional projects, but they are indispensable to success, including success in the full liberalisation of EU energy markets and improving the valuable but compromised services directive. The EU should be leading the fight in the world to ensure that we do not heed the sirens calling for protectionism—voices that Lisbon would make it harder for the European Court of Justice to ignore by downgrading the importance of undistorted competition in the treaties.

The Government should be urging such an agenda at this week's summit and on the forthcoming French presidency. It is such an agenda that the people of this country want to stand for. It is a tragedy that we do not have a Government who are prepared to speak for Britain, to say, "Forget these institutional changes," and to adopt the agenda of which I have just spoken. The Government's approach is to muddle along, never challenging a conventional wisdom or a prevailing orthodoxy, striking a brave posture for *The Sun* or *The Sunday Times* and then shuffling off to Brussels to betray anything that they said that they would stand for.

There is also the possible fiasco—I call it that for the moment, because I await further responses from the Government—shown by the Iranian sanctions on Monday. The Government do not even have the excuse that their approach with other European nations is, when the Prime Minister comes out to speak, competent, efficient or effective. His Administration have had an undistinguished role in European affairs over the past year, conniving in every attempt to frustrate the people of Europe's having their say—from breaking the commitment to a referendum in Britain to helping to bully other countries, such as Portugal, into not having one either. The Government have been caught out and exposed by one country, which has rightly consulted its own people.

Faced with the logical choice between abandoning the treaty and saying so and conniving in some way in getting the Irish to vote again, the Government are going along with what is necessary for the latter while denying that they are doing so rather than showing the merest sign of courage. It is a miserable spectacle which only adds to the sins of a now discredited Government. I believe that it will elevate our politics and our country when these Ministers are removed from office by the very British people whom they have been determined to ignore.

2.12 pm

Mike Gapes (Ilford, South) (Lab/Co-op): It is always a pleasure to listen to the right hon. Member for Richmond, Yorks (Mr. Hague), even though I have heard many of the things that he said before. However, that does not mean that they are not still amusing.

I wish to begin by saying a few things about the reasons the Irish voted as they did. The commentator Tony Kinsella wrote an interesting piece the other day—he is a strong advocate of the Lisbon treaty—in which he referred to the Irish people retreating under their comfort blanket. He referred to the impact of globalisation, migration and other changes in the world—issues that were not specifically part of the Lisbon treaty.

For whatever reason, Ireland has voted and has rejected ratification of the treaty. Personally, I regret that because I believe that some important proposals in the Lisbon treaty would have made the EU's international presence and action more effective and would have been of benefit to member states—particularly to some of the larger member states, including us—and to co-operation with other international organisations.

In the report published by the Select Committee on Foreign Affairs in January, we said that the foreign policy changes in the treaty had

"the potential to encourage more coherent and effective foreign policy-making and representation"

without in any way undermining the intergovernmental nature of common foreign and security policy or the UK's position in the United Nations. Given that, I suggest that as part of the process of considering the options following the Irish vote the Government should ensure that consideration is given to whether any elements of the Lisbon treaty's foreign policy provisions could be put into effect by means other than treaty change, as long as that is done completely transparently and with full explanation to the public of the benefits of those relevant steps. It might be that those elements are few or that it will not be possible to do that, and I shall come on to the implications of that.

More important than the actual implementation of changes is something else that we said in our report. We concluded that the Government were

"correct to argue that political positions and political will among the Member States are more important than institutional changes in determining the quality of EU foreign policy."

It is really important that we do not get back into several interminable years of obsessive institutionalism, but instead talk about how the EU collectively can work more effectively in practice.

There are several cases where the EU has taken a coherent and effective position or has chosen not to do so for reasons that are entirely unconnected with its formal structures and are entirely to do with the political positions adopted by member states rather than the institutional framework. For example, both the Foreign Secretary and the shadow Foreign Secretary referred to what we are doing with regard to Iran. The EU effort, led by High Representative Solana and operating with the EU3—or the EU3 plus 3, as it is now called—is defined according to the current treaty provisions and has been effective. That will continue regardless of whether the Lisbon treaty is ratified.

Russia has also been mentioned. The EU took 18 months to agree a common view on the opening up of the new partnership and co-operation agreement discussions with the Russians. Individual member states—Poland, Lithuania and our country—had serious issues about relations with Russia and were able to stop effective EU progress. That will continue under the existing treaties.

We could, of course, say that progress has been made on Kosovo, although at the same time there are divisions within the EU. Some countries, including Cyprus, have objected via what they call a constructive abstention. Even though the majority in the EU recognises the independence of Kosovo and even though there has been an important development regarding EU-led forces going into Kosovo, individual member states have the right not to participate in those forces and have decided not to do so. They have even publicly registered their reservations or opposition to it. That could continue, too.

Foreign policy will not, therefore, necessarily be hamstrung. I would go further. I urge the Government to try to minimise the extent to which any of our EU partners get distracted from these practical issues by discussions about the institutional framework. I strongly agree with the Foreign Secretary that we do not need to bully or press. First, as he said, we need to give the Irish time to decide how they should cope with what this means. Secondly, the European Union needs to discuss the practical issues with which it must deal, many of which relate to foreign policy matters. I hope that means that, in the context of climate change, the opening of negotiations with Russia and the ongoing deployment of the European Union mission in Kosovo, most of the energies of Foreign Ministers and officials will be devoted to practicalities rather than discussion of possible blueprints, constitutional changes or measures of the kind that we have seen over recent years.

Again, I would go further, and suggest that uncertainty over the institutional framework of European Union treaties is no barrier to enlargement. In the past few days, some rather worrying remarks have been made. The German Chancellor, Angela Merkel, has said that the European Union needs the Lisbon treaty in order to "think about further enlargement". On Monday, President Sarkozy told the central European Governments in Prague that the treaty was needed for any opening to Croatia and the rest of the western Balkans.

That is not true. It is not legally true, and it is not politically true either. It is not legally true because all enlargements involve at least some minimal institutional adjustments to accommodate new member states in EU bodies, which are always agreed in the relevant accession treaty. It does not matter which EU treaty is in force for that to take place. Indeed, accession treaties can accommodate uncertainty over which treaty is to be applied. We have seen that happen in the past. The accession discussions that would lead to an EU with 15, then 25 and then 27 members took place in the context of a pre-existing treaty arrangement that subsequently changed. There is no legal reason why accession negotiations cannot be continued, or launched, on all technical policy areas apart from the final institutional matters: institutional issues are traditionally left until the end, and at that point there will be an accession treaty.

I strongly believe that enlargement of the European Union to include Croatia should continue without delay. The process should be maintained, and positive signals should be sent to the other countries in the western Balkans, including Bosnia and Herzegovina—which has just signed stability and accession agreements—and Macedonia, provided that the name issue is resolved with the former Yugoslav Republic of Macedonia. The discussions with Greece are proving very difficult, as I know from a meeting that took place in the European Parliament a few weeks ago. Every single Greek representative appeared to have been born in Thessaloniki, which, as the Greeks pointed out, was in Macedonia.

Daniel Kawczynski: Does the Chairman of the Foreign Affairs Committee believe that Greece has the right to prevent Macedonia from being a member of the EU with the name "Macedonia"?

Mike Gapes: If there is to be enlargement of the European Union in future it must clearly be agreed by all member states, and if Greece chooses to operate a veto, that will be impossible. However, I understand that at this moment representatives of the two Governments are discussing ways of resolving the issue. I hope that it will be resolved, because instability on the Greek borders and in the Balkans is not in the interests of either Greece or the EU in general, and I think that instability will result if there is no further enlargement to bring the western Balkans as a whole into the European Union.

Having dealt with the legal objections to the arguments of the German Chancellor and the French President, I should add that I consider the argument that further enlargement requires further institutional reform to be wrong on political grounds. Since the Nice treaty, to which reference has been made, the European Union has had several years in which to adjust to the enlargement that has already taken place. A number of people thought that gridlock would result if the EU did not bring about massive institutional change, but—although the process has been difficult, and has not always worked smoothly—there have been incremental adjustments in the way in which the EU has worked over recent years.

Academic reports and debates have been mentioned. Professor Helen Wallace of the London School of Economics concluded that

"the 'business as usual' picture is more convincing than the 'gridlock' picture as regards practice in and output from the EU institutions since May 2004."

According to Professor Anand Menon of Birmingham university,

"Even under the procedures of the Nice Treaty, the enlarged European Union is functioning fine… there isn't an institutional crisis that is more serious than what existed prior to enlargement."

On that basis, there are grounds for thinking that even the EU's existing institutional arrangements would be able to accommodate further member states, although it would not be very easy and the resulting structure would not be very efficient. We would have too many commissioners, the European Parliament would be a bit of a mess—but then, what's new?—and there would of course be inefficiencies, as there are today. However, I do not think it impossible for the European Union to proceed with further enlargement even without the Lisbon treaty, although the treaty would make it work better. The ability to be more efficient than it is at present would clearly be important to the way in which it functions.

Keith Vaz: Is my hon. Friend suggesting that we should not proceed with ratification?

Mike Gapes: No, I am not suggesting that at all. I believe it is right for this country to ratify the treaty, and I believe it is right for all countries to conclude the ratification process. I also recognise that, as has been made very clear, unless all 27 member states ratify the treaty it will not come into effect. I am arguing both that incremental steps should be taken to establish what can be done practically without the treaty, pending its coming into effect, and that, if it does not come into effect, we must try to cope with the situation as we find it. I do not think that we should halt the process and embark on a so-called period of reflection lasting for one, two or however many years, becoming obsessed with institutional structures and not dealing with the real issues.

I hope that Croatia will conclude its accession negotiations with the EU next year. I also hope that following the political progress that has been made in Serbia, it too will eventually join the EU. I have already referred to Bosnia and Herzegovina, and to Macedonia. The future of Kosovo will be complicated, but it is essential to the overall stability. If we are to deal with such issues as people smuggling, migration and secure borders, it is vital that there are no non-legal holes in the Balkans where a framework is absent. The best solution is for all those countries to come into the European Union.

Turkey has also been mentioned, and I strongly support its membership of the European Union. There are political difficulties there, but we hope that the democratic forces will eventually triumph over the revanchist authoritarianism that exists in the military. It will be a few years before Turkey is ready to consider coming into the European Union in any practical way because many changes and reforms are necessary. However, importantly, the prospect of those reforms will be strengthened if Turkey's joining the European Union is still on the horizon. If we, because of our institutional failures, block off the future enlargement of the European Union, we will do a disservice to the democratisation and reform process in not only the Balkans but Turkey.

I will conclude by making a few remarks about what is going on in the structures of the European Union. I strongly agree with Enlargement Commissioner, Olli Rehn, that the Irish vote means that the European Union

"cannot take time out from its…accession policy."

Mr. Rupel, the Slovenian Foreign Minister, who holds the presidency of the Council of Ministers—I am wearing the Slovenian presidency tie to show solidarity with his remarks—was absolutely right to say:

"Croatia could become a member regardless of the Lisbon Treaty".

Slovenia has done a very good job of being a presidency country. The Slovenians were not responsible for the result in Dublin, and they must be congratulated on what they have done over the past six months.

I urge the Government and the Minister for Europe, who is in the Chamber, to reinforce the line that is being taken by Commissioner Rehn and the Slovenian presidency. In their discussions with the French and German Governments—I understand that the Prime Minister will meet President Sarkozy soon—I urge them to emphasise that we believe that this is the time not to put barriers in the way of enlargement, but to send out positive signals to countries that have not yet joined the enlarged European Union.

2.32 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): The forthcoming Brussels summit is important for many reasons. It is incredibly important that the EU take the opportunity to try to deal collectively with the problems of rising oil and food prices, given the impact that those problems are having on the living standards of our constituents, the people of Europe and the world as a whole. The summit is also important because it gives us the chance to hear from the Irish Government how they

view the future of the Lisbon treaty. It will allow the discussion of many foreign policy issues raised by the Foreign Secretary, such as Zimbabwe, Iran, Burma and the western Balkans. I will come to all those in turn.

Let me pick up the theme of the Slovenian presidency from the speech made by the hon. Member for Ilford, South (Mike Gapes). Slovenia has done a good job, and I hope that all Front Benchers will put on record our admiration for, and thanks to, the Slovenians. Slovenia is a small country and a relatively new member of the European Union. It represents one of the success stories of the EU and points the way to the future.

I completely agree with the hon. Gentleman about the importance of the enlargement process not being stopped whatever happens to the Lisbon treaty. Enlargement is critical to the EU's future and there is broad consensus on the policy in the House. However, the process has caused great consternation among the peoples of Europe. Some would argue that part of the message from the referendums in France, Holland and Ireland was concern about the effects of enlargement, because in a European Union that is about the free movement of people, enlargement means that foreigners might migrate to different parts of the EU to work, to live and to set up businesses. I support that, as a liberal, and I think that many hon. Members support it. However, we, the European Union and its member states must recognise that the process causes tensions.

Hon. Members who knocked on doors during the recent Crewe and Nantwich by-election know that there were concerns about the increase in the Polish population in that constituency. We must tackle those concerns head-on and argue for an enlarged European Union that sees the benefits of the free movement of people. Anyone who supports enlargement should be prepared to do that, and that should be a key message in response to several of the problems before us.

It is worth focusing on the benefits of enlargement with regard to the Slovenian presidency. The treaties of Amsterdam, Nice and Lisbon were partly designed to try to deal with tensions and difficulties involved with enlargement, albeit with greater focus on the institutional issues. To put our different positions on the Lisbon treaty to one side, if, as we seem to do, we all believe in the continuation of the enlargement process—if we want Croatia and countries in the western Balkans to come in, and if we want to contemplate Turkey becoming a member—we must deal with the tensions and concerns that enlargement causes among the peoples of Europe and the strains and stresses that it puts on the way the European Union operates.

Ms Gisela Stuart: If the hon. Gentleman's real concern is that we should get grass-roots support for enlargement, and thus acceptance that membership of the European Union is a good thing, why did he not take the opportunity to make his case to the people of Britain in a referendum on the Lisbon treaty?

Mr. Davey: The hon. Lady wants to take us back to something that we have debated many times in the House. Such tensions existed before the Lisbon treaty. The accessions that took place before the Lisbon treaty involved issues surrounding immigration and migration that were not addressed in that treaty, as she knows.

Daniel Kawczynski: Surprisingly, I agree with the hon. Gentleman on one point: we must be careful in what we say about EU immigrants coming to this country because that could stir up tensions and additional concerns about the European Union. I spent a great deal of time helping during the Crewe and Nantwich by-election. The Labour party was very guilty of whipping up resentment towards, and fear about, the Polish people living in Crewe. That was an absolute disgrace, and the Compass group of Labour MPs says the same thing.

Mr. Davey: I will not comment on that, although Labour Members may do so if they wish. I congratulate the hon. Gentleman on recently arguing in public that people should welcome the Polish people who come over here because they benefit our country.

Mr. Cash: Many of us believe in enlargement, but the enlargement of what? I put it to the hon. Gentleman that the enlargement of the present undemocratic European Union, which, for example, does not recognise the Irish vote, gives us an indication of why the Irish took the position they did and why there is so much resentment among the ordinary people of this country that they have not been given a vote—thanks to the Liberal Democrats.

Mr. Davey: One of the ironies of the position taken by those such as the hon. Gentleman is that one of the major ideas behind the Lisbon treaty was improving the democratic accountability of EU institutions *[Interruption.]* The hon. Gentleman might not agree, but that was our analysis and that of many others.

I never understand the hon. Gentleman's vision of a Europe in which the European Union has been dissolved. Let me take him through some of the practical matters with which a Union of co-operating countries must deal. The right hon. Member for Richmond, Yorks (Mr. Hague) talked about the importance of trading standards and international trade and prosperity. If there is to be effective trade, there must be an international body to deal with trading standards and health and safety issues for consumer goods and food. One of the advantages of the European Union since the Single European Act, which I think the hon. Member for Stone (Mr. Cash) probably opposed, is that it has been able to do that in a proper way with due process.

Let me point the hon. Gentleman toward measures in the Lisbon treaty that would have helped us to ensure that we can manage some of the problems that come from enlargement. For example, on justice and home affairs it would have made it easier to deal with the problems caused by convicted sex offenders who have served their sentence and are now able to travel round the European Union and apply for jobs in this country. One of the ideas behind some of those policy areas was to have a proper, due legal process to enable countries to share information about convicted sex offenders who have been released. At the moment, we do that very imperfectly. If we can take that path, we can ensure that the free movement of people does not put our people—those whom we are sent here to represent—at risk. There are many such issues, including drug trafficking and the illegal importing of guns and knives. Those are key law and order issues, and we have to have a process for dealing with the potential problems that come from allowing the free movement of people, which I believe the hon. Gentleman supports. That is why some of us thought that the Lisbon treaty actually had many benefits.

Mr. Cash: I did in fact vote for the Single European Act, although I did suggest in an amendment that we should absolutely guarantee the sovereignty of the United Kingdom Parliament, which I still hold to. In essence, my argument is that we should renegotiate these treaties, and it should be "European trade, yes; European government, no." That is the difference that I have with the Liberal Democrats.

Mr. Davey: It is always interesting when people go on this flight of fantasy. If the hon. Gentleman looks at the history of the union of the United States of America, he will see that it came together because of the way that trade regulations and trade were managed throughout the states. That is how the federal Government in the United States evolved and developed. I am not suggesting, by the way, before the hon. Gentleman intervenes, that we should have that model for Europe. I do not want the European Union to become like the United States of America because, he may be surprised to know, I believe in individual sovereign member states co-operating through the European Union. However, that still requires an international form of government operating through due process to deal with all the issues thrown up by trade. The fact that he seeks to deny that undermines his case. I am delighted that he voted for the Single European Act, as that is the cause of many of the regulations that he says he opposes.

Mr. Hague: While the hon. Gentleman is on the Lisbon treaty, may I point out that he and I had many disagreements, of course, during the passage of the European Union (Amendment) Bill through this House? However, the one thing that we were absolutely united on was the passerelle or ratchet clauses. We both argued in our speeches in this House that they should be subject to primary legislative control in Parliament, and our parties both voted that way together in this House. He can imagine my surprise when, on the matter coming before the other place and a similar proposition being put forward, the Liberal Democrat peers all voted against it. Can he explain why that was the case?

Mr. Davey: I am surprised that the right hon. Gentleman was surprised, and for this reason. If he had read the Lords *Hansard* of the debate on those issues, he would know that the Liberal Democrat peers achieved a serious victory, having worked with colleagues in all parties, including his own, in Committees such as the European Union Committee and the Constitution Committee. We ensured that Baroness Ashton of Upholland was able to tell peers in the other place about a whole series of measures that would ensure that the accountability procedures—not just those in the other place but in this House—would be significantly increased, with annual reports at the beginning and end of each parliamentary Session on what was planned in the European Union and what had actually happened, with extra information—

Mr. Hands: Will the hon. Gentleman give way?

Mr. Davey: In a second; I am answering the point made by the right hon. Member for Richmond, Yorks. Those reports would have provided extra information in the form of memorandums, and ministerial scrutiny through extra debates and votes. The accountability procedure that we ensured through our negotiations in the other place is so much greater than any accountability procedure that any past Conservative Government allowed. The fact that the right hon. Gentleman failed to acknowledge that does not do him any favours.

Mr. Hands: I thank the hon. Gentleman for giving way. On Liberal Democrat behaviour in the Lords, I clearly remember his walking out of this Chamber when he was not allowed to have a vote on in or out. Could he take a moment to explain why his colleagues in the Lords abstained on the very same question?

Mr. Davey: I was going to come to that, but I am very happy to deal with it now. The hon. Gentleman ought to apologise, because he and his friends prevented us from having such a debate in the elected House. If we had had one—if he had allowed it—he might have had a stronger point. He failed to allow that vote here, so he really does not have much of a leg to stand on.

Mr. Jenkin: The hon. Gentleman has made something very clear, which, understandably, none of us really understood before. He walked out of this Chamber in disgust at being unable to have a debate on a topic on which he was going to abstain. Is that correct?

Mr. Davey: Absolutely not, and the hon. Gentleman knows that because he knows our position on the issue. If he and his friends had allowed the democratic Chamber to have a vote, he would have a strong case, but he failed to do that, so we will take no lessons from him on this point.

One of the major issues at the European summit will be oil and food prices, which are affecting our constituents seriously. When they go the pump to fill up their car and go to the supermarket, they see prices rising horrendously, and that is affecting our economy overall and many businesses. Some of the problems affecting our economy are home-grown, such as the many problems caused by the Government's incoherent tax policy, but to be fair to them, some of the causes of our economic problems are international. If there is to be any possible solution to or mitigation of them, that will be found through working with international partners.

The biggest global economic challenges—the huge rises in energy and food prices, and oil touching $140 a barrel—are going to require major international attention over the next few months. The international community needs a shared understanding of the dynamics of commodity price inflation, and of which factors are short term and will pass, which are cyclical and which are long term and structural. If we can get a shared understanding, I hope that we can agree a shared policy response—be it on agricultural policy, oil and energy supply and demand, influencing the destabilising speculative investment in commodities, or whatever we collectively decide the cause is.

Such international co-operation will be at different levels. The recent UN summit on food in Rome was an important initiative. We saw the limitations—the problems with Argentina vetoing some of the better proposals for tariff reductions—and heard the discussions with and between the countries of the Organisation of Petroleum Exporting Countries. Saudi Arabia was very important in that regard, and we welcomed its announcement on

increasing oil production. However, it is not really clear whether that will go far enough even to test one of the theories on the causes of these oil price rises—that they are connected to all the speculative money coming into oil. All these arenas are important in trying to deal with these problems, but the question for this House today and for the summit is how best to maximise the UK's and the EU's influence on these damaging price rises.

Within the EU, we have a much better chance of being heard—whether it is at the G8 or the UN, within the OECD and so on—because we have the potential to speak as one. If we can persuade other EU countries to adopt better responses to the situation—if we can push for better EU-wide frameworks, be they in energy or agricultural policies—collectively, we can have a much bigger impact. I say in passing that if we can persuade the EU to focus its aid budget on the poorest, who are hit hardest by some of these price rises, again, collectively we can do more good than by acting in isolation.

The question for the summit is: if that is the theory of EU co-operation, can the summit deliver? It has not been mentioned in the debate so far, but the Commission has prepared two papers for the European Council to consider: one on the rise in food prices, and the other on the rise in oil prices. I have studied them, and they make a great deal of sense, although they do not say a lot that is new; the Foreign Secretary touched on the health check for the CAP, which I shall come to in a second, but they largely confirm the existing direction of EU policy. In their analysis of the problem, both papers argue that the price rises have short-term elements, but they focus on the worrying thing for us all, which is the fact that underlying structural changes are not just evident but strong, and they will demand major changes in how we in this country, and people elsewhere, do things.

The volatility of food prices is a phenomenon that has been known for decades in economic analysis. Clearly, some of that volatility comes from the short-term effects of the droughts in Australia and the lack of investment in recent years because of rather low food prices historically, but there is much more to it than that. The longer-term trend of increased global demand, because the populations in China and India are becoming wealthier, changing their food habits and so on, will have a major impact on food supply and food demand. What we are beginning to see is only the first signs of that.

As I said, the CAP health check is welcome. The European documents claim that it will lead to further reductions in the link between direct payments to farmers and production, so that market signals are stronger, and we hope that that will raise production. Liberal Democrats, having long argued for CAP reform in that direction, support the measure. I hope that the Minister can respond on this matter, because there have been reports of some EU countries wishing to use the food price crisis to reverse the reform direction of the CAP and argue that we should increase subsidies, rather than trying to phase them out. I hope that he can assure the House that our Government will be firm in opposing such moves, as they go in completely the wrong direction. Will he also say whether the EU's position ahead of the next meetings for world trade talks will also take that into account, because if we are to encourage the smaller farmers around the world to increase their production and productivity, surely the case for reduced EU agricultural subsidies in the Doha round is even stronger?

My only query on the Commission's communication to the summit on food prices is that it does not engage with some of the even deeper, more alarming challenges for world food supply. One keeps hearing from the UN that we must raise production and productivity, and that is obvious, but the issue is that the production must be sustainable, as must increases in it. People refer to the green revolution that has taken place in recent decades, which has enabled food supply to increase. When one begins to examine that in detail, it is worryingly fragile—that is true even in respect of the increases in production in past decades—primarily because of the poor use of water around the world. I do not know whether the Minister is aware of estimates that 200 million Indians are surviving on food production made possible by the unsustainable use of underground water aquifers. In the next decade or two, those aquifers will be exhausted and the food supply that is feeding 200 million Indians today will no longer be there. When we start taking account of such things—even before we have taken account of global population growth—we can begin to see the huge strategic challenges that face the world. I do not believe that either the UN food summit or the Commission's document faces up to those more strategic issues.

On oil and energy, the Commission's document is more concrete on the medium term, despite the fact that it is slightly wishful about what can be done in the short term. That is a significant positive sign for the European Union, because the document shows that the EU has been doing a lot in this area. It has been ahead of the curve, rather than behind it, as it needs to be because of the increasing dependency on imports to the European Union, including, of course, imports to the UK, of fossil fuels—oil, gas, and so on.

The European response has focused on increasing renewables and on the energy efficiency action plan, and, if anything, its proposals have been too modest. People in this House and in this Government have said that the EU is perhaps being too demanding in wanting both a big increase in renewables and a big improvement in energy efficiency. However, given higher oil and energy prices—leaving aside climate change—the need for these programmes is ever greater.

What I would say—perhaps the Conservative Front-Bench team will echo this—is that we need to ensure that other countries take those plans seriously and implement them. It is all very well having the summit, signing up to the plans and having great schemes, but what happens if we are the only ones who are serious about increasing our renewable supply and improving energy efficiency? Will the Minister tell us about progress on the second round of the emissions trading scheme? The right hon. Member for Richmond, Yorks touched on that important European initiative. Can the Minister say whether the European Union is trying to export it? I hope that we can move it outside the European Union members and include other countries and some of the states in the United States, be it California or elsewhere, as that would be a step forward. The Slovenian presidency was right to make oil and food prices its top priority for this summit, and I hope that the meeting can ensure

[Mr. Davey]

that Europe plays a strong role in both the immediate and medium term to find ways through the current crisis.

I am sure that colleagues on the Conservative Benches will be pleased to hear that I wish to discuss the challenges posed by the Irish no vote in the recent referendum, which was clearly a setback for those of us who support the treaty. I shall explain, as I began to do in earlier remarks, some of the benefits that will be lost if the Lisbon treaty falls. I repeat other colleagues' comments that we have to respect the Irish, and that the EU must not bully them. Those should not just be words; they should be facts. We cannot push the Irish to a solution that we want but they do not. It is plain, given the rules of the game, which we must respect—in this, again I agree with the right hon. Member for Richmond, Yorks—that nobody can say that just because Ireland is a small country, it cannot veto the process. It can veto the process; that is called due process and the rule of law.

The treaty's future, assuming that the other 26 member states ratify, lies in the hands of the Irish Government—no other conclusion can be reached—so we have to listen to them at the forthcoming summit. I make one request of the UK Government, which I believe to be legitimate, as they listen to the Irish Government and then respond on behalf of the country. Although we, of course, need to listen to the Irish, our Government should ask them for a decision relatively soon. Without saying what the decision should be, it is legitimate for another member state to say, "You haven't got years and years on this, because you are part of the European Union that has to work out how it will go forward." It is legitimate to ask the Irish when they are going to make a decision. Hon. Members: They have just made a decision! The Irish Government need to tell us how they wish to proceed; that is the point that I wish to make.

Mr. Cash: The hon. Gentleman may wish to know that article 29 of the Irish constitution makes provision for the authorisation of this treaty through a referendum, which is direct, binding legislation by the people of Ireland under their constitution, and it cannot be changed by the Government or even by the Dail. That is a provision in the constitution itself, so the whole thing is not only as dead as a parrot; it is as dead as a Dido.

Mr. Davey: The hon. Gentleman normally educates this House with his detailed knowledge of European matters, but let me educate him about pop music. Dido is a singer, and she is very much alive; I think that he meant to refer to the dodo.

Mr. Hands *rose—*

Mr. Davey: Let me answer the point made by the hon. Member for Stone. I agree with his interpretation of the Irish constitution, and I think that there are only two possible wordings of the communiqué that will come out of the summit. The first is that the Irish Government are not going to make any further moves, and are going to say that the treaty is dead. Alternatively, the Irish will come up with their own plan—I stress that it will be their own plan. That would have to have a clear, defined and limited timetable. The European Union cannot have uncertainty in the coming months, and that is a fair request to make of the Irish Government.

Mr. Hands: The Irish people have clearly voted no, but the hon. Gentleman is still calling on the Irish to make a decision. If the Irish had voted yes last week, would he still be waiting for them to make a decision?

Mr. Davey: Unlike the hon. Gentleman, I do not purport to speak for the Irish Government. They will report to the European Council, and that is one reason why the Liberal Democrats believe that it is right for Third Reading to proceed today in the other place. We have our procedures in this country and this Parliament, and they are different from those of the Irish. We have embarked on them and had months of debate, so there is no reason why we should not continue with them today. However, as I said on Monday when the Foreign Secretary made his statement—and as he confirmed in his response—the final stage of ratification, which is the deposit of the instrument of ratification in Rome, should await the European summit and hearing the Irish Government's view.

The Conservatives say that they do not want to hear about the Irish Government. Their view of diplomacy is to prejudge and anticipate the meeting with 26 other Governments, but that is not the right way to conduct foreign policy. If we are to have a meeting with our partners, we should wait to hear what they have to say. Pulling stunts as the Conservatives want to do would undermine British influence, not just at this European summit but beyond, and it would play into the hands of the larger states who do not want to respect the smaller states. The approach that the Government have taken, and that we are taking in the other place, is the right one.

Sir Malcolm Rifkind: May I gently suggest to the hon. Gentleman that he is causing himself unnecessary confusion? The one reason why he is right to say that we should wait for the Irish Government is that they do have one option open to them, which is to say that at some future date there may be a second referendum. That is the only way in which Ireland's constitution will allow them to ratify. It is a matter for domestic Irish politics whether a second referendum is a practical option, but until the Irish Government have made it clear whether it is on their agenda, it is not possible to say that the treaty is dead.

Mr. Davey: I agree, but while we should respect the Irish opinion and wait for the Irish Government to come up with a plan, we need a timetable. If the Irish Government say to the Council this weekend that they will not have a plan until the October summit, that will be their last chance. They will have to have a serious plan by the October summit, because it would be unacceptable for the issue to drift into next year. It would be bad for the European Union and, ultimately, for Ireland.

Mr. Adrian Sanders (Torbay) (LD): Is there not a third option for the Irish Government—to leave the European Union and let the other 26 member states ratify the treaty?

Mr. Davey: I would not support that, because it would be bullying. The message from the Irish voters and their Government is not that they want to leave the European Union. It is difficult to interpret what the message is, but it is not that they want to pull out.

Mr. Mark Francois (Rayleigh) (Con): The hon. Gentleman has sought to draw a distinction between Third Reading in the other place today and depositing the instruments of ratification in Rome. Is it the view of the Liberal Democrats that, assuming that the Irish Government do not give a clear steer on their intentions at the forthcoming summit and if the other place gives the Bill a Third Reading later today, Britain should not deposit our articles of ratification in Rome?

Mr. Davey: If we do not get a clear, timetabled approach from the Irish Government, finishing by October, there will be serious questions about the whole process of ratification, whether by the UK or beyond. The Irish Government must come forward with a clear timetable. I say that as a pro-European, because the pro-European cause would be seriously undermined if we had months and years of procrastination and delay. Whether one takes the Conservative interpretation of the Dutch, Irish and French referendums or other interpretations, there are clearly concerns about the treaty. Unless the Irish make their intentions clear in a relatively short period, it is probably right for the Lisbon treaty not to go ahead.

I say that as someone who supports the Lisbon treaty. I think that it has many benefits, but I have always argued that it is a modest treaty. Unlike some Conservatives, who thought that it was an earth-shattering major treaty, we have always argued that it was about sensible improved democratic accountability and the efficiency of the institutions, and included some welcome measures on issues such as energy policy. Were the treaty to fall, therefore, it would not be a disaster for the European Union. Indeed, the EU could operate on the Nice treaty. That is not something that we—unlike those on the Conservative Front Bench—seek, but it is true.

We have heard reference—implicit by the right hon. Member for Richmond, Yorks and direct by the hon. Member for Ilford, South—to some of the academic work on how the EU has functioned since the Nice treaty, especially that by Professor Helen Wallace. That shows that member states have managed to get through. I have spoken to Helen Wallace about her work. She does not necessarily accept the right hon. Gentleman's full conclusions, because she believes that the Lisbon treaty would improve the situation further and would have many other benefits. Nevertheless, the European Union can go on without the Lisbon treaty if that is what transpires.

The right hon. Member for Richmond, Yorks has been very negative about the Nice treaty in the past. He now seems to be rather less worried about it, but he did say of it:

"Is not the truth, when we cut through the spin, that the agreement"—

the Nice treaty—

"represents three more major steps to a European superstate?"—[*Official Report*, 11 December 2000; Vol. 359, c. 351.]

Perhaps he can remind the House what those three steps were, and whether he has any intention of opposing them in future, should he ever come to office.

Keith Vaz: In fact, it was the Conservative party's official position at the time of the Nice treaty that there should be a referendum on it. It paints itself as a party that supports enlargement, but it sought to block it by having a referendum.

Mr. Davey: The Conservative party's position has always been to will the ends, but never to seek them.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I am troubled by the hon. Gentleman's speech, because the public appear to have no role. Why cannot he simply rejoice in what the Irish people have done? Putting the burden on the Government of Ireland is neither here nor there. We have not had any popular endorsements of this wretched treaty, but he seems indifferent to that. He suggests that it is more important that Heads of Government agree among themselves, even though they have no popular mandate for their actions.

Mr. Davey: That is not my position. I believe that every member state has its own constitutional process for ratifying the treaty, and the Irish Government are accountable to the Irish people. They have to reach their own conclusions. As the hon. Member for Stone rightly said, Ireland's constitutional position is that if the Irish Government wish to proceed, they will have to have a second referendum.

The Foreign Secretary touched on various other issues, to do with Zimbabwe, Burma and Iran. However, as other hon. Members wish to speak, I shall not go into detail about them, except to say that we support the Government's overall approach.

On Zimbabwe, the Government must persuade other EU members that a stolen election with all the killing, violence and intimidation that have been reported will move the EU, working with allies around the world, to take serious action. We must not simply look away: if what we all fear actually happens, this is one matter on which, at long last, the international community has to stand up and be counted.

The question of the western Balkans has not been mentioned much so far in this debate, but again we support the Government's overall approach. However, I hope that the Minister for Europe will say something on the record about Serbia's place in the European perspective on the western Balkans. Will he confirm that the stabilisation and association agreement that has been signed with Serbia will go no further until the Serbian Government ensure that war criminals like Mladic are offered up to the International Criminal Court?

This European summit is historic, as rising food and oil prices mean that it will have to deal with some of the most difficult economic and social problems for a generation. We have to hope that the EU can make a positive contribution to that work. The summit is also historic because it will have to take some difficult decisions about the EU's future institutional framework. Yet whatever decision the Irish Government reach, Britain's national interest remains with the EU, with or without the Lisbon treaty. We need to move on from institutional rancour and deal with the EU's policy agenda, which is so important for dealing with international crime, terrorism and climate change and for restoring prosperity to the countries of the EU.

3.11 pm

Mary Creagh (Wakefield) (Lab): For the EU to be effective, it must engage with the issues that matter to the people who live in it. The issues that affect my constituents in Wakefield are the same as those that worry people in Warsaw, and Wicklow. People in Wakefield are worried about rising food and fuel prices. They write to me urging me to do more about the dangers of climate change, and they care about the plight of people, both at home and abroad, who are less fortunate than they are. My answer is that there is much that we can do, but that such problems cannot be solved by the UK acting alone. We are much better able to act when we co-operate and work with our friends in Europe.

Global rises in the cost of food and fuel are hitting people in their pockets across Europe. The UK and Europe face two long-term energy challenges. The first is the need to deliver a secure supply of clean energy at prices that people can afford, and the second is climate change, which requires reductions in damaging carbon emissions that put our children's future at risk.

Fuel policy is now at the centre of European thinking. Europe imports half its gas from Russia, and 80 per cent. of that gas comes through Ukraine. In 2006, Russia interrupted the gas supply. During that time, I visited Brotherton's, a chemicals company in Wakefield. Its managing director described vividly the impact that a 50 per cent. increase in gas costs was having on the business's profit margin. When Russia turns off the tap, workers and businesses in Wakefield suffer.

Europe offers a clear route to cheaper, cleaner energy. Other hon. Members have described how the Heads of Government agreed in 2007 to a binding target of 20 per cent. of fuel from renewable sources by 2020. They also agreed to copy the UK model and further liberalise energy supplies by splitting supply and production from distribution activities. That should lead to lower prices for continental consumers, more competition and a level playing field on continental Europe, as well as to a level playing field for British companies that wish to distribute energy.

A functioning internal market and a common EU infrastructure in energy would lead to significant advantages for the UK and Europe, such as extra jobs, new technology, and, most importantly, cheaper prices for consumers. The EU will also increase by at least 50 per cent. its spending on energy research for the next seven years. That is great news for those British universities that are world leaders in certain areas of renewables research. That is the story that we need to tell our voters about the EU—how the single market and co-operation in Europe will lead to lower gas bills on their doormats.

On climate change, it is vital that we work with our EU partners to create an agreement to replace Kyoto when it runs out in 2012. Last year, the EU spoke with one voice at the UN climate change conference in Bali, and that unity gives us the basis for further negotiations to make large cuts in carbon emissions. Only a united Europe—with Britain at its centre, not skulking at the edges—can deliver the action that we need on climate change.

In March this year, the European Council agreed an ambitious schedule for adopting a package of measures to cut EU emissions by 20 per cent. by 2020, or by 30 per cent. as part of an international agreement. If one is pro-environment, one has to be pro-Europe. The EU emissions trading scheme is the biggest environment policy in the world and it is likely to be at the heart of, and perhaps the blueprint for, a future global carbon trading scheme.

Meeting the EU's climate change target requires not just action to reduce carbon emissions from energy suppliers and industry, but incentives to change individual behaviour as well. The European Commission is currently looking at how economic incentives, including VAT rates, can increase the use of energy-efficient goods and energy-saving materials in the home.

An EU that delivers cheaper insulation materials, cheaper energy-saving light bulbs, and cheaper green energy is an EU that speaks a language that everyone in Europe can understand. Tackling rising fuel prices and climate change can best be done through Governments working together, and that is why it is so baffling that the right hon. Member for Witney (Mr. Cameron) is so determined to pull the Tories out of mainstream European politics. One of the few concrete pledges that he has made, in a stream of vague hints and sales pitches, is that he will remove the Tory MEPs from the European People's party, so putting them firmly on the fringes of the European political scene.

The Lisbon treaty allows the EU to tackle climate change at an international level. It is vital that we press on with it so that we can take action in that area. Labour has led on climate change both at home and abroad. We were pivotal in securing the Kyoto protocol, and with our European neighbours we launched the international emissions trading scheme. Further work is being done with the recently introduced Climate Change Bill.

Meanwhile, however, the right hon. Member for Wokingham (Mr. Redwood)—who headed the Opposition's economic competitiveness policy review—believes that climate change is a "swindle". It is no wonder that people are starting to realise that the Opposition's claim to care about the environment is nothing but a photo opportunity and a scam—a reptilian green skin that will be shed in favour of true-blue tax cuts and Europe-bashing at the first opportunity.

Yesterday, the Governor of the Bank of England announced inflation figures showing that people in the UK are spending 8 per cent. more on food this year compared to last. Global food prices have risen by 83 per cent. over the last three years, and rice, maize and wheat prices have all reached record highs this year. There are no magic bullets or simple solutions to the problems of rising food prices. They concern us all, and they affect the poorest in every society. I am especially concerned about the effect that the price rises will have on children, not just in EU member states but—and particularly—in the developing world. They are making food unaffordable for many of the poorest people in the world's poorest countries. It is an international problem, and it requires an international response.

The UK is just one voice among those of 240 countries in the world, but when we stand with our European partners we are part of an institution that speaks for almost 500 million people and generates almost a third of the world's wealth. When the EU speaks, the world listens.

The Prime Minister has made it clear that the world is not making progress on the eight millennium development goals agreed by world leaders in 2000. The first of those goals is supposed to be achieved by 2015 and it is to eradicate extreme poverty and hunger. We are halfway through the time scale allocated for achieving the millennium development goals, and we are absolutely nowhere near reaching the target.

Hon. Members have talked in this debate about the situation in Zimbabwe, where 45 per cent. of the population is dependent on food aid. Even now, the international humanitarian response is in jeopardy, as Mugabe uses the food supply as a tool of oppression and a political instrument.

In Burma, the natural disaster caused by Cyclone Nargis was compounded by the generals' indifference to their suffering population. Burma might now have faded from the news headlines, and it might be incredibly difficult for journalists to report from there, but, as we speak, probably thousands if not tens of thousands of people are dying a slow, lingering death from diseases that are preventable by vaccines and good hygiene—because of the generals' difficulties in allowing foreign aid agencies in. There are people in this House who believe that such indifference on a mass scale, compounding the devastation caused by the cyclone, constitutes a crime against humanity.

In the Democratic Republic of the Congo, which I visited in 2006, there is an infant mortality rate of 20 per cent. in children under five. That means that one in five children dies before their fifth birthday. In the east of the country, in north and south Kivu, there is also widespread sexual violence against women. While I was in the DRC, in Bukavu, I visited the Panzi hospital, which treats some of the 4,000 rape victims each year, whose ages range from four to 75. Those women and children have not only been raped with violence by the militias of the Interahamwe, who are still hiding in the jungle and in the bush; they have been abused and tortured with bottles, guns and pieces of wood. The doctors there spend an incredible amount of time and effort trying to put those women's lives back together.

That hospital is funded by the European Union's programme. The irony was that the hospital received funding while war was raging in eastern Congo between 1998 and 2004, but as soon as peace was declared in the region, the European Community decided that it no longer merited emergency funding, because the situation in that province was no longer classed as an emergency. The funding therefore ended. I am delighted that the Department for International Development has made up some of the shortfall in that funding, which has allowed the hospital to create a second ward in which women can wait for their operations. They often need a series of operations.

It is important to look at how European assistance is given and to ensure that there are better controls over that process. Every year, we see conflicts, droughts and earthquakes triggering humanitarian responses in different parts of the world, and every year millions of people, be they in the DRC, Afghanistan or Darfur, find themselves without shelter, food, water or medical care. The European Union provides emergency relief to those people. The EU is the world's biggest aid spender, with a combined budget of $34 billion in 2004, of which $8 billion is administered by the EU directly. I believe that the EU must follow the UK's lead in decoupling trade from aid. That is another provision that the Lisbon treaty would allow. We are halfway through the target time frame for the millennium development goals, yet we are nowhere near achieving many of them.

I want to conclude by mentioning the Irish referendum. The Irish have spoken, but there are 26 other member states whose opinions matter as well. The fact that one country has said no to the package as it stands is no reason for us to forget the reasons why we need reform, and no reason for us to stick with the current system. All member states agree on the need for reform. Even Conservative Members are agreed on that, and the various groups that campaigned for a no vote in Ireland claimed that they wanted a better settlement. We need to allow the Irish a period of reflection and space to identify what they do not like about the Lisbon treaty. Presumably, it is not the extra democratic powers for Parliaments, or the clearer focus on combating climate change. It must be some other aspects that they do not like. If they can identify those aspects, perhaps their concerns can be addressed.

I should also like to caution hon. Members that public hostility and indifference to the process of EU institutional reform are nothing new. I remember standing outside the James Joyce pub in Brussels when the Danes rejected the Maastricht treaty in 1992. It was an interesting evening, and one that I remember well. The Danes said to the rest of Europe that they did not want to destroy the entire edifice, and that they would come back with constructive proposals that would provide a way out of the impasse. They had looked at the parts of the Maastricht package that they did not like, and the UK and other member states were able to meet their concerns without making huge changes to the treaty. The treaty was then approved by a comfortable majority in a new referendum.

Some of the fears raised during the Irish debate were unjustified. The treaty does not affect Ireland's abortion laws. It does not affect Ireland's ability to set tax rates or its neutrality. Nor does it force its armed services to become part of a European army. Those fears can be assuaged without fundamentally changing the treaty, perhaps through clarifying declarations or additional protocols.

The UK Government are right to give the Irish a breathing space. Whatever the issues may be, it should not be impossible to address them. I do not think that we should pay any attention to the howling of Eurosceptics that holding a new referendum would in some way be undemocratic. It is perfectly reasonable to address differences in the positions of the 27 EU countries by asking a minority of one to think again, especially after working together to address the concerns involved.

The right hon. Member for Richmond, Yorks (Mr. Hague) is no longer in his place. We talked a lot about cojones when he was ribbing the Liberal Democrats earlier. I wonder whether it is a demonstration of cojones on the part of his leader not to reject Alun Cairns as a Welsh Tory prospective parliamentary candidate for saying that he would not support the Italian football team because they were a bunch of "greasy wops". I wonder why the Conservative party has not expelled someone who expounds such racist and xenophobic views—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. Perhaps the hon. Lady could confine her remarks to the European affairs that we are discussing.

Mary Creagh: Thank you, Madam Deputy Speaker. I think that it is a matter of European concern when a party has members who express such xenophobic sentiments.

Returning to the Lisbon treaty, I do not believe that anyone wants yet more debate and negotiation on the minutiae of the composition of the EU institutions. I am sure that that prospect sends shivers down the spines of Members on both sides of the House—*[Interruption.]* Except the spineless, indeed. Achieving a solution acceptable to all 27 countries is never easy, but an even worse solution would be to abandon all hope of reform and have a poorly functioning EU that would be incapable of further expansion. We need to ensure that the EU expands eastwards to Croatia and to the nascent, fledgling states of the Balkans.

I should like to make a final point about the Irish. There are 1.6 million Irish people living in the UK at the moment, many of them pensioners. Two of them are my parents. The reason that they can draw pensions in this country—based on the work that they did in Ireland, and as residents of the United Kingdom—is that Ireland and the UK joined the EEC, as it then was, in 1972, and that the provisions of joining gave citizens of both countries the right to draw pensions in another member state. Those Irish citizens and pensioners living in the UK did not have a chance to express their views in the referendum, but I am sure that if they had, the response would have been very different.

I conclude my remarks with a quotation from a person who led this country into the EEC:

> "Europe does not exist for the sake of Ministers and Members of Parliament, the ambassadors and experts. Europe exists for the peoples of Europe".

That was what Ted Heath said as he took this country into Europe, and I think that hon. Members on both sides of the House would do well to remember that as we go forward in Europe.

3.28 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The hon. Member for Wakefield (Mary Creagh) ended her speech with a quotation; perhaps I may begin with one from many years ago. G. K. Chesterton said:

> "The golden age of the good European is...a place where people will love each other; not...a place where they will be each other."

Although he was clearly not envisaging the European Union, there is a resonance between his words and the debate here and throughout Europe on the kind of Europe that we are trying to create. Is it a Europe of close co-operation, close friendship and close amity with the wider world, or a Europe that is constantly seeking further integration with some distant aspiration and ideal? Debates in Britain and elsewhere in Europe increasingly show that the wider public simply do not give their consent to the more integrated type of Europe that many of its founding fathers assumed would be Europe's destiny, and to which many in Europe, particularly continental Europe, still aspire.

Let me comment on some of the conclusions and implications that we ought to draw from the referendum in Ireland. My first point is potentially of domestic significance. If the Irish Government were to propose holding a second referendum at some future date, it would, at the very least, mean a major delay before final implementation of the new treaty; that would be an unavoidable consequence of the Irish saying that they wished to hold a second referendum. It would be perhaps another year, a year and a half, or even two years before all countries could ratify. Before then, there will almost certainly be a United Kingdom general election. If that led to a change of Government, one consequence would be that even if the treaty had been ratified in the United Kingdom, if it had not come into effect because an Irish referendum had not yet taken place, an incoming Conservative Government could reopen the whole issue by calling a referendum. That was not true until last week. Even if we had ratified, we could de-ratify if the treaty had not yet come into effect.

I have made clear my view that it would be absurd for a future Conservative Government to hold a referendum if the treaty had already come into effect; that would be a pointless exercise, and would be wrought with great difficulties. If, however, the treaty had not come into effect because the Irish had not ratified, my Front-Bench colleagues would be perfectly entitled to say, "The United Kingdom made a commitment that the British would have a choice", and that the matter should not simply be up to the Government." That is a profound consequence of what happened last week.

Mr. Denis MacShane (Rotherham) (Lab): The right hon. and learned Gentleman makes an important point, and his colleague, the right hon. Member for Richmond, Yorks (Mr. Hague), was, I think, nodding in agreement. To put the matter on the record, are we saying that if the House of Commons ratifies the treaty and Her Majesty gives Royal Assent, but the treaty does not come into force, a new Government would, before the British people, Europe and the world, hold a referendum to undo that work?

Sir Malcolm Rifkind: I cannot speak for the Conservative party; I can only express my view of what would be legally possible and appropriate. If a treaty is being—*[Interruption.]* If the right hon. Gentleman wishes me to give way to him again, I do not mind doing so, but if he wishes to have a private conversation with my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), he might like to do it elsewhere. The simple fact is that once a treaty has come into effect, one cannot reverse it. If a country ratifies a treaty before it comes into effect, but wishes to change its mind and go through constitutional procedures to do so, of course that must be an option available to it.

Mr. Cash: I follow what my right hon. and learned Friend says, and agree with his principal point. it is, of course, one of the reasons I proposed a post-ratification referendum some months ago. I ask him to confirm that it is at any time open to Parliament, and to Government, to seek parliamentary authority for a referendum, irrespective of whether a treaty is effective or not.

Sir Malcolm Rifkind: Not for the first—or, I am sure, last—time, I do not agree with my hon. Friend. If the treaty comes into effect before there is a change of

Government in this country, it would be pointless, absurd and wholly damaging to the country's interests to go through with a referendum on a matter that had already been addressed. Other processes could be initiated, and other policies could be taken forward, but in the circumstances that I outlined, a referendum would be ludicrous.

I now come to the second consequence of the Irish decision to which we ought to be alert. My hon. Friend the Member for Hammersmith and Fulham (Mr. Hands) and other hon. Friends asked the Secretary of State about it, saying, "Okay, the treaty cannot come into effect without ratification by every country, but will there be various ways in which aspects of the treaty are taken forward, in the coming weeks and months, by those in Brussels who have responsibility for such affairs?" We have seen how, in other areas, that sometimes happens. I have to say to the Government—I hope that the Foreign Secretary, in particular, will bear this in mind—that if hard evidence emerged to show that matters subject to the implementation of the treaty were being taken forward substantively in advance of the treaty being ratified, it would not only be controversial and outrageous in itself but would considerably devalue the Government's assurances on the various opt-outs that had been negotiated over the years. If, in practice, opt-outs can be ignored or circumscribed as a result of other measures taken in Europe, that would be very serious for the United Kingdom's relationship with the European Union.

The third point that I want to make on the Irish referendum—here I may slightly differ from some of my right hon. and hon. Friends—is that I do not believe that the treaty is dead. It is not for the Irish public formally to decide on ratification. The position is that the Irish Government cannot ratify unless the proposal is endorsed by the Irish electorate. It is a matter of domestic Irish politics whether the Irish Government believe that it is possible or desirable for them to go back to the Irish electorate at some time and ask them whether they are willing to reconsider. It is not realistic to believe that everything in Europe will stop as an immediate consequence of the vote in the Republic of Ireland. It is of course much more likely that if the Irish Government do not rule out a second referendum, there will be attempts to develop various assurances and protocols that are not in conflict with the treaty, in the hope that the Irish will come to a different judgment. We will have to wait and see whether that is appropriate, but it is not in itself an unreasonable way for the European Union to respond at this stage, if it is advised by the Irish Government that the matter has not been determined once and for all.

Daniel Kawczynski: My right hon. and learned Friend makes the point that once the treaty has been ratified by all the countries, a future Conservative Government would not, in his view, be able to start renegotiating it, but surely at some stage in future such a Government might be able to try to renegotiate aspects of the treaty, just as the American constitution is constantly changed and modernised.

Sir Malcolm Rifkind: It is possible for any Government in Europe to open any issue that they wish, and to try to persuade their colleagues to make changes; that, of course, is right. What I am saying is that holding a referendum in this country on whether the Lisbon treaty should be implemented would be absurd if the treaty had already been ratified by every country and had come into effect. That would be a pointless exercise. Of course, there may be other initiatives that a future British Government, or any other Government, might wish to take; that is entirely within their control and discretion.

I want to move on from the Irish vote and consider the wider implications of what is happening in Europe. Increasingly, in cases where the peoples of Europe are invited to give their judgment, they are saying no to proposals put to them by their Government. That has happened not in Denmark, the United Kingdom, Sweden, Poland or any other countries that are thought to be sceptical; what is most significant and disturbing to those who believe in the European concept is that that has happened in France, the Netherlands and Ireland – countries that were overwhelmingly enthusiastic about the European Union and still profess to be so. At the very least, the conclusion that we must draw if we are honest with ourselves is that, in those countries, and doubtless in other continental European countries, there is a developing mismatch between the political elites, who remain committed to the European Union and perhaps to further integration, and their populations, who do not, when given the choice, choose to give their consent.

The question must therefore be addressed, whether one is a Europhile or a Eurosceptic: what is the future of the EU, if it is not based on the genuine, whole-hearted, democratic consent of the people of the countries concerned? It is not good enough for political elites simply to say that they have found a clever way to implement a change that they are trying to achieve. They may succeed—in the short term, they may be remarkably successful, and be very pleased with themselves. If they increasingly use such methods, and if they make clear their contempt for their electorate's views, they will come to rue the day, because ultimately they will destroy the belief of the vast majority of people—not just Eurosceptics, politicians and people who take part in our debates but the public as a whole in Britain and throughout continental Europe. That is a crucial point.

The question is therefore: how do we try to square the circle? In Europe, many people—not just politicians but many members of the general public—still want the process of integration to be taken further. There are many people, perhaps millions of them, who genuinely want that, particularly in Italy, the Netherlands, Spain and elsewhere. How do we reconcile that with something that is equally apparent: the fact that there are millions of people who take a different view? They are not anti-European: they want close European co-operation, and they want the EU to survive. They are not trying to dismantle the edifice, but they want to reconcile that with their own belief about what is possible and desirable in the modern world.

I think that it can be reconciled, which is why I come back to the question of what is often referred to as "Europe à la carte". That is not some artificial concept—it is not an attempt to achieve the impossible, but a recognition that Europe is totally different from the United States or sovereign states around the world. It is a unique construct, as nothing like it has existed before: so many nation states have never before agreed to share

[Sir Malcolm Rifkind]

certain degrees of national sovereignty. How do we reconcile that with the strong differences, which are increasingly evident, and unwillingness to go further by tens of millions of people?

The Europe à la carte concept is important. It is not simply about opt-outs. There are opt-outs for various countries on the single currency, Schengen, home affairs, and a range and other matters. It is not just the United Kingdom that has opt-outs: Sweden, Poland and other countries claim and exercise such rights, which is important. Two fundamental changes, however, need to be made to achieve what I am talking about, which could be the basis for a more consensual Europe. First, we have to recognise that those opt-outs and others that may emerge are not temporary; they are permanent, or will be so in many cases. A phrase that has been used in the past week is "a two-speed Europe". I do not believe in a two-speed Europe, because it implies that we will all end up at the same destination, except that some will get there a bit later than others. It is simply a transitional arrangement for countries to have opt-outs—as if the UK will one day join the single currency. I do not believe that it will do so, although I cannot prove that—it is simply my judgment.

It is not a two-speed Europe that we are discussing. It must be recognised that many countries—perhaps an increasing number—are not prepared to join parts of the European construct or acquis. That is a permanent factor, and it should be recognised. The second point, which is equally important, is that that must not be a matter for haggling, negotiation, bitterness and controversy. A dual right should exist in the EU. First, any country that wants to opt out of future integration proposals should not have to negotiate—it should have the right to do so. Equally, countries that wish to go further have the right to do so, and those who do not believe in that do not have the power to veto it. In both cases, that is not the situation today. At the moment, people haggle and negotiate. It is bitter and horrid, and eventually they achieve some sort of opt-out. That is not good enough. Equally, there is potential for enhanced co-operation to allow some groups of countries to go further. They have never been able to use that, as it is not a practical proposition at the moment.

Finally, I accept that anyone who wants to be a member of the European Union has to accept certain core responsibilities that go with membership. They have to accept the single market and the common agricultural policy. There are a range of other issues that it is necessary to accept if a country wants to be a member at all, but I am referring to what it does beyond that.

Ms Gisela Stuart: I am trying to follow the logic of the right hon. and learned Gentleman's argument about how we achieve deeper integration and his thoughts about opt-outs. Would he therefore advise the Danish Government against pursuing their proposal to hold a referendum on opt-outs, which they have been discussing over the summer?

Sir Malcolm Rifkind: I would not presume to advise the Danish Government at all. That is entirely a matter for domestic Danish politics, and it is for Denmark to decide the appropriate way to pursue those views. It is a debate that must take place within Denmark and, as long as the conclusion satisfies the Danish people, far be it from me to exercise or offer any different view.

Europe must recognise that there are certain core activities to which, if we are to have a European Union, all member states must sign up. But, if we wish to go beyond that, and many still do, it is crucial that we have a system that is flexible enough to recognise that fact.

Mr. Jenkin: I am listening very carefully to my right hon. and learned Friend's presentation, but the European Commission's own Sapir report, for example, recommended the common agricultural policy as an area that might be re-delegated or even returned to the sovereignty of member states. I do not think that there are any complete—untouchable—shibboleths that should prevent two-way traffic. On the existing treaty, the question is how we prevent the institutions—particularly the European Court of Justice—from constantly extending the meaning and import of what we have already signed. The precise problem already exists, because what we thought was an effective opt-out from the social chapter turned out not to be so with regard to the working time directive.

Sir Malcolm Rifkind: I entirely agree. If one wanted to move towards what I call an à la carte Europe, there would have to be an intense debate about the irreducible core that that membership implied.

Mr. Cash: What is it?

Sir Malcolm Rifkind: I do not want to take up too much time. We can each have views on that subject. My own view is that the single market has to be a part of that irreducible core. I could give several other, personal, views, but that is a separate debate that will have to be held.

I also agree with my hon. Friend the Member for North Essex (Mr. Jenkin) that it is very dangerous if the European Court is given too much power, because unlike all other courts, including national courts, the European Court cannot be overruled by national Parliaments. A European Court judgment can be overruled only by a treaty amendment ratified by all 27 countries, and for all practical purposes that is non-deliverable. The whole issue of democratic consent comes to the fore again.

When the Government—possibly successive Governments—have looked at the question of Europe à la carte, they have always shied away from it. It is not just the people in Brussels who do not like it; the Government also tell us that the concept is unattractive, because if there were a two-speed or à la carte Europe, Britain would lose influence in Europe, we would be in the outer core and it would be dreadful. I acknowledge that if we do not go the whole way with other member states in new areas of integration, we lose some influence. By not being part of the single currency, we have lost some influence compared with what we might otherwise have had. But people who make that argument seem to ignore a fundamental part of the issue: influence is not an end in itself; it is normally the best means by which one protects and advances one's national interest. One is obliged to one's electorate to protect one's interests, not one's influence. Influence is simply one means to an end, so one should never give up one's interest in order to maximise one's influence. However, the opposite may

occasionally be true: sometimes it is worth accepting a reduction in influence if that is the only way to protect one's interests, which are much more fundamental.

A reference was made earlier to the French Government's decision on NATO and joining the integrated military structure. Fifty years ago, General de Gaulle decided—rightly or wrongly; I pass no judgment—that it was in France's national interest to opt out of the integrated structure of NATO. As a consequence, for the past 50 years, France has lost influence in NATO. De Gaulle knew that that would happen, and indeed, it did. Over many matters, France has had less influence than it would otherwise have had, but, until President Sarkozy, successive French Governments concluded that, nevertheless, the national interest justified the decision. If they come to a different view now, it is again a matter for the French to decide in terms of their own perception of their national interest today.

Let us not therefore hear that the argument against an à la carte Europe is that if the United Kingdom were not in the inner core and part of a two-speed—or some other phrase that may be used—Europe, it would lose influence, as though that were somehow the end of the debate. We must identify our interests, but the public will ultimately tell us what they are, and we must respect that.

Those of us who are not diehard Eurosceptics trying to get Britain out of the European Union either directly or indirectly as quickly as possible must do some fundamental thinking. I say to my right hon. Friend the shadow Foreign Secretary and to his shadow Cabinet colleagues that in the weeks and months that lead up to what may be the next Conservative Government, we must ensure that we not only give very careful thought to what we will do in the first few days, weeks or even couple of months after we have come to power, but make a very careful judgment about how we can be respected members of the European Union—not by abandoning our principles and beliefs, but by giving much greater and more careful thought to the kind of Europe that we are trying to construct.

We must not spend the next couple of years merely saying what we dislike about the present European Union and about the way in which the Government are carrying out their responsibilities—although those criticisms are justified, and I share them. It is precisely because there is, for the first time in 10 years, a serious prospect of our becoming the Government of the United Kingdom, and because we say that we remain committed to our membership of the European Union, that we must, I humbly suggest, do even more work to articulate the kind of Europe that we wish to see—not merely in terms of aspirations but of how it will function and how it will, if we are successful, enable the people of the United Kingdom to be content with our membership of the European Union so that we do not have more generations of this kind of discussion and debate and this kind of alienation. It is painful and disturbing if British membership of the European Union has become so dysfunctional. It must be articulated and progressed in a way that can make us be at peace with our membership of the European Union, or the whole operation will be hardly worth having.

I believe that there is a solution. It is not more integration or the giving up of national sovereignty but a flexible European Union that respects the right of each member state, not only the United Kingdom, to determine the degree of integration that it is comfortable with. I hope that the Conservative party can take the lead in articulating in some detail what that means and why it is a practical, realistic and attractive option for this country and for Europe as a whole.

3.51 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Whenever we prepare for European Council meetings, I am reminded of an old Jewish proverb—"If you want to make God laugh, tell him your plans." We think about what is going to happen, and it is then overtaken by events that completely dominate the discussions. This time, the unexpected event was the Irish no vote. Typically, the result of that vote was declared not only on Friday 13 but on the saint's day of St. Anthony of Lisbon, who is the patron saint of lost causes. I am tempted to think that God was laughing on that day.

However, perhaps the result was really a narrow escape. We should remind ourselves that the Lisbon treaty process started in 2001 with the Laeken declaration, which posited 64 extremely sensible questions that went to the heart of saying that the people of Europe were no longer connected to their institutions. We made the first mistake by suggesting that a constitution would be the answer to that disconnection. When the constitution was eventually produced, the people of France agreed with my laptop: whenever I typed in the word, "Giscard", it suggested replacing it with "discard", which is clearly what the French people did. However, we did not take enough note of that, and ended up with the treaty of Lisbon. We were given several reasons why we needed it, and people genuinely thought that we did, whether for enlargement, for greater efficiency, or because otherwise we would grind to a halt, but none of those things happened. We are now in great danger of expending even more political capital on trying to push through something that will not be in the long-term interests of the European Union.

The Lisbon treaty has always contained three fundamental tensions that will come back to bite us in the long term. The first—this is not about an à la carte Europe or one of two speeds—concerns those countries that are in the eurozone and those that are not. Despite appearing to be a success, if we compare the development of the euro with that of the dollar, it is clear that it is not yet an effective single currency. We will see over the next few years what happens to the property market in Spain, in Greece, in Italy and even in Ireland. If the countries that are in the euro are to have a proper functioning currency, they will sooner or later require deeper political integration.

Kelvin Hopkins: To reinforce my hon. Friend's point, I understand that the Italian Government have had difficulties in selling bonds to raise money. When we ram together economies of different strengths, such tensions are bound to arise, and they could get much worse.

Ms Stuart: The first example of what Lisbon did not address, which needs to be addressed at some stage, is the tension involved in those two levels of economic integration. The second is that we never really addressed—even though it was touched on—the fact that the countries coming into the European Union were mostly smaller

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ones. The western Balkans were mentioned earlier, and the former Yugoslavia has to be included in some shape or another, if we look at the map of Europe. The disproportionate rights of smaller countries compared with those of larger countries has led to tensions increasing in the case of unanimous votes.

When we go to the next stage—and I want Turkey to come in—in which we have voting systems with an element of population weighting, we will have one very big problem. In other words, even for the most committed pro-Europeans who wish to see further enlargement, Lisbon would have run into the buffers. If Lisbon is driven through against the wishes of large sections of the population, we will not be able to come back to make further required changes, while obtaining consent. The problem is that for a long time, the European Union operated on the basis of implied consent, and when it asked for explicit consent, it did not get it.

We have to address most of those problems in national Parliaments, and we have to change the way in which we do business. I do not want to go into that point today, because Ministers are going to a meeting at the weekend at which extremely important issues will have to be dealt with. One of them is defence. The most significant announcement has been France's declaration that it will fully rejoin NATO. I urge the British Government to welcome that and to take a close look at the French defence paper. It states that it wants to address what it calls the rather modest defence spending in the EU. We have to face up to the fact that it is no good wanting new defence structures, or saying that we need procurement agencies and so on, if countries keep cutting their investment, or more to the point, if they are not prepared to produce combat troops. It is futile to keep talking about peacekeeping commitments when we do not have troops to deploy to create the conditions where peacekeeping is required.

I hope that another issue will be addressed at the meeting, or that Ministers will engage the House on the matter. I understand that the European Commission has approved two policy documents calling for greater co-ordination of immigration policy between member states. There is a suggestion that a European support office on asylum will be set up, and that there will be greater co-ordination in dealing with unexpected inflows of asylum seekers on a Europe-wide level. That is, politically, an extremely sensitive matter. Such proposals are essential in some areas, such as dealing with our borders, but I say to Ministers that we need to debate the issue in this House—not in some obscure Standing Committee or sub-Committee—and engage the population at large. Such decisions require the consent of the House, and I hope that Ministers come back to the House on that point.

In the debate so far, quite apart from what was said about Ireland, we have heard a whole lot of platitudes. We are all terribly concerned that food prices should be cheaper and that energy prices should be cheaper. I find that particularly when I listen to the Lib Dem speeches. I know that English is not my first language, but I did not think that I needed comprehension lessons. I have no idea what they are saying—it is full of motherhood and apple pie, and I have no idea of where they stand. Their language is all about "making it better", "making it more significant" or "going further", but I never have any idea of where they are going, or what those things precisely mean. We can dismiss their comments for the moment.

I will finish because I have become rather tired of speaking in these debates, and the Minister has probably become tired of listening to me over the years.

Daniel Kawczynski: Have a go at the Lib Dems again.

Ms Stuart: I will—*[Laughter.]* We could unite the House along those lines.

I want to respect the Irish decision, which includes not bullying them into saying that the Irish Government have to come back by October with a timetable. If we respect the Irish decision, we have to say that it is back to the drawing board. That was the essence of the Dutch no and the French no. The Irish no is the same as those two.

Jo Swinson (East Dunbartonshire) (LD): The hon. Lady and I may have had different views about how good the Lisbon treaty was for Britain and for the rest of Europe, but does she agree that what we need this weekend is some kind of decision on whether the treaty is dead—if that is what the Irish Government say—or whether there is a clear plan for what they intend to do next? What Europe needs least of all is months and months of more uncertainty and institutional navel-gazing, which is not helping to achieve any of the objectives that we want to achieve within Europe.

Ms Stuart: I am very grateful for that intervention, which could have been made—and has been made—in this House for the last three years. It has usually been accompanied by, "Unless we have a decision, Europe will grind to a halt. We will not be able to do any of the things that we want to do." Actually, we can. On defence, all the great progress has been made when Britain and France have come together and made the significant decisions, completely outside the European mechanism. Europe has gone on working. The big decisions are not concerned with institutional problems. Mainland Europeans think that if we create the institution, we will create the political will. Actually it is the other way round. The reason things do not work is often that we do not have the political consensus.

We have had a decision and certainty. Whether we shed tears about the fact that the treaty is dead or not is neither here nor there. We have a decision and we can go on focusing on all the things that are important. I could not see a single thing that the Foreign Secretary said was important that under the current institutional arrangements within the EU, provided we create the political will—separate from the institutional arrangements—we could not do. Let us stop talking about it and start delivering.

4.2 pm

Mr. David Heathcoat-Amory (Wells) (Con): It is a familiar pleasure to follow the hon. Member for Birmingham, Edgbaston (Ms Stuart), just as we followed each other round Europe for 18 months in the fruitless attempt to find a way forward for Europe in the Convention on the Future of Europe. I agree with much of what she said, as I did then. From our different party perspectives,

we concluded that that effort was doomed, simply because it was replicating the old Community method of top-down. That has now met its destiny with the Irish electorate.

For many decades, even centuries, the Irish question has haunted British politics, and successive British Governments through the 19th and 20th centuries had to grapple with it. Now it is Europe that has the Irish question, and the institutions of the EU have shown themselves to be quite unable even to comprehend the shock that has hit them. Those of us who have been to Brussels in an official capacity can understand this because the official mind is largely untroubled by questions of accountability and democratic control. The whole Brussels machine really can only go forwards.

The Irish are quite clearly signalling something different, and it is disgraceful that the British Government are colluding with others and with the Brussels elite to find a way round this, rather than respecting it. All the comment—we heard this from the Foreign Secretary earlier, and in his statement on Monday—has been about what the Irish have got to do next, but for an Irish voter there is no next step on the treaty. Irish voters have said that they do not want it. The Irish Government have suffered a defeat, too, so it is not for them to second-guess their people, either.

I find it rather chilling that people are now making excuses. Again, we have heard that in this debate. The hon. Member for Wakefield (Mary Creagh), who has now left the Chamber, said that the Irish were really voting on something different, and that many of them were deluded and mistaken, thinking that it was all about Irish neutrality and Irish abortion. I find that intensely patronising. We just have to respect the fact that people do not like what they were given.

What people were given was bafflingly complex. That relates to another excuse offered—that the issue was all too complicated to put to a popular vote—but whose fault was that? It was not the fault of the Irish; it was the fault of the people who drew up the document. Let us remember that the Laeken declaration of 2001, which started this failed reform process, instructed the Convention to simplify—that was not a suggestion; it was an instruction—instead of which it made the process more complicated.

I am sure that a lot of Irish voters—perhaps most of them—did not read the whole text. But then, did every hon. Member read all 290 pages of the Lisbon treaty? The hon. Member for Birmingham, Edgbaston and I had to read it—we drafted the wretched thing—but sane people do not read hundreds of pages of Euro-jargon. The Irish perhaps should have been given the opportunity to read the treaty. Indeed, the no campaign asked that every Irish household or voter should be sent a copy. However, that idea was turned down by the Irish Government, because they knew perfectly well that the more people saw of the treaty, the less they would like it.

Daniel Kawczynski: Some of us had to read the treaty in French, because for a long time it was not published in English, which was even worse.

Mr. Heathcoat-Amory: I sympathise with my hon. Friend for having to read the treaty in French, because it was probably a worse read than in English. What he says is true: the House was treated with systematic contempt, through the failure of the authorities to produce and publish a document in our own language. He therefore makes another telling point. If the problem of politics is complexity, which renders the people unable to express an opinion, perhaps we ought to abolish general elections, too, because they are quite complicated political matters.

The essential message in the treaty is actually quite simple. The Lisbon treaty was about transferring more powers from people who are elected and can be removed to people who are not elected and cannot be removed. I discussed the matter with those connected with the Irish referendum after the event, and they told me that that was the general theme running through people's concerns. There was a feeling among the Irish electorate that in future, if the treaty was enacted, their choices, in general elections or otherwise, would not be reflected in the decisions that affect their lives. That is ultimately a matter for democracy, which must be respected. The Government are in bad company in proceeding with ratification.

We were all entertained again by the Liberal Democrats trying to explain their lack of principle over this whole episode. It is almost comic that amendments that they not only supported but promoted in this House were rejected by their colleagues in another place. The Liberal Democrats do not even have the consistency of their lack of principle. Perhaps I can therefore consign them to the sidelines, which they are always doomed to occupy.

What concerns me rather more is that the Government are apparently colluding with some bad company abroad, in other member states. Senior politicians, Heads of Government and Foreign Ministers have already been quoted in the debate as saying effectively that the Irish decision should be ignored. We heard from Mr. Barroso, the President of the European Commission, that the treaty is still alive. I am reminded of President de Gaulle's description of the Commission as a

"conclave of technocrats without a country, responsible to nobody",

so perhaps we should not be too surprised. Of much greater concern is the President of France saying that Europe now needs a "special legal agreement" to try to get around the problem, and a number of German politicians, including the Foreign Minister, Mr. Steinmeier, saying that the way forward is somehow to get the Irish to withdraw from the process of integration, at least temporarily, so that the rest of Europe can go ahead.

I find it very worrying when German politicians suggest that treaties should be broken. Europe has seen a lot of that in the past. If we have learned anything, it is perhaps that we have the glimmerings of a rule of law in Europe that all countries respect. It is, I think, intolerable when senior Ministers even suggest that the clear requirement in article 48—that all treaties require unanimity—should somehow be ignored or forgotten.

If I were to make a prediction, it would be that the attempt to get the Irish to vote again will fail, but that Brussels and a number of member states will segment and disaggregate the treaty of Lisbon into smaller parts in order to get it through in a series of smaller measures. They will meet first to see what can be done without treaty change; they will then see what can be done to get as much as possible through with treaty change, but without triggering another Irish referendum; then they will try to get the residue through, possibly triggering

[Mr. Heathcoat-Amory]

an Irish referendum, but attaching it to an enlargement treaty, defying the Irish to vote no to such a treaty, which on many other grounds they would probably support. In other words, they will do everything possible never again to allow the peoples and electorate of Europe to vote on a full treaty change. I think it terrible that the European Union, which likes to lecture other people about democracy, is so contemptuous of democracy in its own territory.

There is an opportunity for the Government, and I want to be a little more positive about that. The Government have an opportunity, if only they could take a lead. The first thing they must do, apart from respecting the Irish result and not proceeding with ratification here, is to stop all the preparatory work. During the Foreign Secretary's speech, I asked him whether he would stop the work that we know is being done on setting up the European foreign ministry—what is now called, in Euro-speak, the external action service. We know that such work has been going on for two months, as we discussed it last week in the Foreign Affairs Committee. In answer to my intervention, the Foreign Secretary said that the lunchtime discussion on Monday had been cancelled. That is not a full answer to my demand that all work anticipating the treaty must now stop. The Government have an opportunity to do that at the Council meeting at the weekend. Will the Minister for Europe give the House an assurance in his concluding statement that on this, as on other matters, the anticipatory work going on at the official level will stop forthwith? Otherwise, the suspicion will persist, in Ireland and elsewhere, that whatever people do or however they vote, the treaty and its provisions will go forward.

As for the future, we must recognise quite candidly that the seven-year reform process has failed because it was never tried. The Laeken declaration, which I have mentioned, was quite a radical document. It accepted that the Europe that existed then was too interfering and too complicated, and that it lacked democracy. It said, portentously, that Europe was at a crossroads and had to choose. It indicated that democracy was at least as important as efficiency, but that was entirely forgotten when the Convention started to meet. I know, because I was there.

There was never the slightest effort to simplify or, as the Laeken declaration said, to create a Europe closer to its citizens. Instead, decisions were to be taken further away from the citizen, because more powers in more policy areas were given to yet more powerful institutions in Europe, which had created the problem in the first place. The Government are now fond of saying that they are against too much institutional tinkering, but that is exactly what they were doing in the Convention—very unsuccessfully, of course. They tabled more than 200 amendments to the draft constitution, of which less than 10 per cent. were successful, so we know that they did not agree with the outcome. However, they had to make the best of that, and with full help from the Liberal Democrats they are denying the people of this country a vote on it.

We must now accept that that botched reform is over and we need to try something entirely different. There is another Europe trying to get out—a Europe of co-operation and joint working. It is quite wrong to suppose that the EU is the only way that Europe can work together. I am an internationalist. I believe in the fullest measure of international co-operation to tackle common problems—not just with our European neighbours, but with the rest of the world. I am not a narrow-minded little Englander or nationalist. I will leave the "little European" attitude to those who believe that the EU has a monopoly of international co-operation in Europe.

During the passage of the Lisbon treaty Bill through the House, the Government were fond of pretending that the treaty was all about tackling climate change. There are only six words about climate change in that treaty. All the measures now being taken on climate change are being taken on the basis of the existing treaty, and I happen to believe that a lot of that is quite damaging. The absurdly unrealistic target on renewable energy will create fuel poverty in this country, because we have discovered a way to transfer money from poor people in towns, who are having their fuel bills increased, to quite well-off farmers who are having wind farms put up on their land. That is all given momentum by European directives. I also believe that we are making an error on biofuels.

I do not think that the EU is wise on those matters, but the point is that any co-operation that we need to undertake can be done under existing treaty powers. The same is true of enlargement. One of the lies we were told during the Convention process was that the European constitution was essential for enlargement to take place. I was accused of being against enlargement because I was against the European constitution. We were told that Europe faced paralysis and that it was quite impossible for Europe to get any larger and accept new members under the existing treaty powers, but we then had two large waves of enlargement and there has certainly been no paralysis.

Today, the European Scrutiny Committee met. I am a member of that Committee. Thanks to the usual genius of the House authorities, all the foreign affairs and European Committees meet on the very day that we debate Europe, so we cannot attend. However, I can tell the House that the European Scrutiny Committee would have looked at—and probably did look at, if it had a quorum—42 new measures, proposals, and draft directives and regulations from the EU. That is not paralysis. We could do with a bit of paralysis, actually. It might slow down the rate of European legislation. The fantasy that was peddled to us all as fact, which was that we somehow needed all the institutional changes in order to admit new members, has been shown up.

We need to get away from the old top-down, regulatory, legalistic EU. The EU is fantastically old-fashioned. No other trade bloc in the world has followed the EU model. I was interested in the reform plan advanced by my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind). It is exactly that kind of creative thinking that the EU now needs. His idea is for a flexible EU in which countries can opt in and out of specific measures in accordance with their national interest and the priorities of their Governments and electorates. That might be a way forward, but I personally am cautious about assigning a core area of responsibility, because that would prompt a number of important questions.

For instance, I believe that my right hon. and learned Friend said that it was essential to retain the single market. I am not so sure. I am a free marketeer. I believe in the free exchange of goods, services and capital. I believe in free trade as one of the great dynamic enrichments of the modern world, but the single market in the EU has become an excuse not for free trade but for over-regulation. Indeed, the single market articles in the existing treaty—articles 94 and 95—have been used to expand the EU's jurisdiction into areas such as health in ways that were not foreseen by those who were trying to promote free trade. Again, the customs union model that has been followed by the EU has not been replicated elsewhere.

I am ashamed that this country does not have a trade policy that might do much to conquer or alleviate world poverty. It is illegal for this country to make trade reduction agreements with poor countries. It has not been illegal for North American Free Trade Agreement members to do that, but it is in Europe because we have a customs union so all our trade negotiations must take place in Brussels via the European Commission. The unique structure that we have created and called the single market, which has its own rules and over-regulation, is a model that we need to re-examine. I would certainly prefer a free trade agreement in Europe to the existing free market.

Mr. Jenkin: Not only does the imposition of the economic partnership agreements on some of the poorest countries in the world guarantee to make them poorer and less advantaged than they are under the existing trading arrangements, but we also lose influence by pooling our trade negotiations with the EU. Norway and Iceland have more influence directly over the world trade negotiations than we do, because we have to agree our position in advance with France, Germany and all the other member states. Is that not an example of how an international institution can add up to less than the sum of its parts, so that Europe as a whole has less influence and less of a voice than if we were negotiating severally, and perhaps in co-operation, rather than through one institution?

Mr. Heathcoat-Amory: I agree with what my hon. Friend has said about trade. It is disgraceful that the fifth biggest economy in the world does not have its own trade policy, when we could be an influence for good. I also agree that if we were nationally represented at some of the meetings, we might have more direct influence. In fact, the right hon. Member for Neath (Mr. Hain), who was the British Government's representative on the Convention on the Future of Europe, said at the Convention, countering the idea of a single UN voice for Europe, that he could not see why one voice attempting to represent all members was somehow better than having 15 country voices at such international negotiations. I agreed with him, but the Government gave way on that, as on so much else.

We need some fresh and creative thinking. We need to return to Laeken. If the Government picked this up, they would be in the lead. What we need is a different, democratic European Union, and if Ministers argue for that at the weekend, they will be speaking not only for us but for the Irish people.

4.25 pm

Keith Vaz (Leicester, East) (Lab): It is always a pleasure to speak after the right hon. Member for Wells (Mr. Heathcoat-Amory) in a debate on European affairs just before a European summit meeting. I know that he has been following my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) around Europe on this subject for many years. I was surprised that he did not show his delight at the Irish referendum result even more than he did: in fact, I am surprised that both he and my hon. Friend did not simply say "I told you so" and sit down. As the result was exactly what they had predicted, they must take great joy in the news. I do not, and I shall explain why.

This is the usual debate before a European summit meeting, involving the usual suspects. I was very impressed by the Foreign Secretary's speech: I thought that he spoke extremely well. In only 10 days he will celebrate the end of his first year as Foreign Secretary. He has the second best job in the Government—after, of course, the job of Minister for Europe, held with such distinction by the right hon. Member for Wells on the Opposition Benches and by my hon. Friend the Member for East Renfrewshire (Mr. Murphy) in the Government.

The right hon. Member for Richmond, Yorks (Mr. Hague) also made his usual speech. It included some cracking jokes, but I had hoped that the biographer of Pitt the Younger would try to be more of a statesman than a comedian. It would be nice during one of these debates to hear something of substance from the right hon. Gentleman, who I know has a pretty large intellect and has made many contributions to debates on Europe outside the House, but who somehow fails to put that across on occasions such as this.

How wonderful, though, to hear the former Foreign Secretary, the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), deliver his heavyweight speech on what Europe is really all about. The right hon. Member for Wells thought that he was directing his comments at the House, but I think that the right hon. and learned Gentleman was primarily directing his comments at the Conservative Front Bench. He expressed the view—with which, obviously, I disagree—that the Conservative party was on its way to government, and said that it was therefore important to think deeply about the European issue rather than to oppose for the sake of opposing. His comments will be well worth reading in *Hansard*, because they illustrate the importance of a substantial debate on the European Union—which, sadly, the House never has, partly because some event always overtakes us, such as the result of the Irish referendum.

I think that the Government's position on the Irish referendum is absolutely right. It must be up to the Irish people to decide what is in their best interests. They have elected a Government, who will make their position very clear this weekend at the summit in Brussels. That is the right time, and the right opportunity, to find out exactly where the Irish Government's policy on the issue is going.

Of course the wishes of the Irish people cannot be ignored. It is important for us to be able to test public opinion on the wider European issue, but specifically, as the Irish have decided to do, on this particular issue. The result has to be respected, and it is now up to the

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Irish Government to decide how to proceed. It would be complete madness to stop the ratification of the treaty in the House. How and why should a result in Ireland halt democratic processes in the British House of Commons and House of Lords?

Regarding that, I use as my text a comment made by the right hon. Member for Wells—albeit a few years ago—on the "Today" programme:

"we've got everything to gain by an open debate, to assure the public that Parliamentary powers are being respected in this matter...It's absolutely right that that should be discussed and thrashed out in the House of Commons which is ultimately the guardian of our liberties."

He was right, and I am right to cite his statement, because surely it must be up to the House to take such a decision.

Mr. Shepherd: I do not quite understand why it would be outrageous not to proceed with ratification here, given that after the decisions of the French and Dutch, such action was, to use the right hon. Gentleman's words, an absolutely sensible course. Surely he is just a man for all seasons.

Keith Vaz: I did not say that after the French and Dutch referendums. We have chosen a course of action on ratification, and other countries will choose what they wish to do. As the right hon. and learned Member for Kensington and Chelsea said, it is up to countries to decide what is best for them, but this process is best for us. There cannot be a situation in which everything stops until each of the 27 countries has taken its decision in turn, because that would paralyse the operation of the European Union.

Mr. Shepherd: The right hon. Gentleman misunderstands me. The fact is that, after the French referendum, although some countries had ratified but others had not, ratification proceedings were stopped across Europe while a way forward was sought. He proposes that continuing with ratification is now more appropriate. As he knows, there is a fear—is it not genuine?—that the process is merely a device to intimidate the Irish electorate.

Keith Vaz: I have enormous respect for the hon. Gentleman, but I do not agree with him. None of the steps taken by any member state since the announcement of the result of the Irish referendum represents an attempt to bully or intimidate the people of Ireland. I do not believe that the rest of Europe would expect the Irish people to keep voting until they say yes. We should await the outcome of the deliberations of the Irish Government, who will report to the European summit at the weekend, and then a decision can be made on the course of action that is best for Ireland. What is best for the United Kingdom is what the Government have set out: ratification. The European Union (Amendment) Bill will receive its Third Reading in the House of Lords today. Of course, as the right hon. and learned Member for Kensington and Chelsea said, that does not mean that there will be implementation—of course that cannot happen—but people will have the opportunity to discuss the matter further.

Daniel Kawczynski: The right hon. Gentleman is eloquently and deliberately trying to avoid answering the question asked by my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), so I shall put it to him again. What is the difference between the Dutch saying no and the Irish saying no, given that when the Dutch refused the treaty, the process was stopped?

Keith Vaz: There is a fundamental difference. Since the treaty was rejected on the previous occasion, each sovereign EU member state decided how it wished to proceed. This is the second time around, and we cannot keep doing this time and time again. Given Ireland's constitution, the decision was taken that it should have a referendum. Everyone else, including the French and the Dutch, decided that they would not have a referendum. This result must be explained by the Irish Government and they must take a decision. We must listen to their views on how to take things forward.

Sir Malcolm Rifkind: The right hon. Gentleman makes a mistake by trying to draw a technical distinction between the matters. There is a simple reason for the difference cited by my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski): a political judgment was taken. When the French and Dutch electorates rejected the original treaty, it was perceived—probably rightly—as a far more dramatic political event than the Irish result. The difference is not constitutional, but entirely due to a political judgment about significance.

Keith Vaz: I thank the right hon. and learned Gentleman for his interpretation of that result. I would prefer my words, but I of course defer to his knowledge in these matters. I think that it is up to us to decide—we cannot allow the Irish people to decide what is best for the British people, and he would be the first to complain if we did. It must be up to this Parliament, this sovereign country, to make those decisions.

We should pay tribute in this debate to the Slovenian Government for the way in which they have conducted their presidency. We are coming to the end of the first presidency by one of the A8 countries, and they have done it superbly. That is also a tribute to the work that this Government have done over the past 10 years. The enlargement of the European Union has enormously benefited the EU. As we can see from the Slovenian presidency, it has been possible for one of the A8—one of the very small countries—to run Europe in the manner that it has with the co-operation of all the other 26 member states, to ensure that many of the most important decisions that we have faced in the past six months have been properly implemented. I hope that when the Minister accompanies the Prime Minister and the Foreign Secretary to the summit meeting, as I am sure he will, the meeting acknowledges what Slovenia has done. We look forward to the other new member states, as we still sometimes call them, being part of that.

The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) gave a very good speech a couple of weeks ago on the importance of the Polish community in the United Kingdom. I supported his ten-minute Bill and I wish him well with its success. The arrival of the A8 and the importance of enlargement is very clear to this House, even though for some time, of course, the Conservatives opposed enlargement of the EU by asking for—*[Interruption.]* I am glad that the hon. Member

for Hammersmith and Fulham (Mr. Hands) is sitting next to the hon. Member for Shrewsbury and Atcham, because he, too, has supported eastern European communities coming into his constituency. I think that he was the only Opposition Member who supported the lifting of restrictions on the Romanians and Bulgarians. Well done to him, and I give way to him for that.

Mr. Hands: My particular point of objection, however, is related to the charge that the Conservatives were not in favour of enlargement. May I take the right hon. Gentleman back to the very first debate held in this House after the fall of the Berlin wall in November 1989? The first person to speak out in favour of enlargement was actually my right hon. Friend the Member for Horsham (Mr. Maude), in his then capacity as, I believe, Minister for Europe. It is actually the Conservatives who called first in this House for enlargement into eastern Europe.

Keith Vaz: It is good that the hon. Gentleman reminds us of those words, because the words are very different from the deeds. Yes, the Conservative party has said that it is in favour of enlargement, but it also sought a referendum on the Nice treaty in an attempt to block enlargement of the European Union. I was the then Minister for Europe, and I remember clearly being at the Dispatch Box when the Opposition spokesperson time and again called for a referendum on Nice. The purpose was to go to the country to try to block the Nice treaty. If we had done so—if the hon. Gentleman's party had had its way—all those wonderful eastern Europeans who have settled in Hammersmith and Fulham would not be here.

Daniel Kawczynski: A very important differentiation to make is that only three European Union countries allowed eastern Europeans to come in straight away, and the United Kingdom was one of them. The problem, of course, is that the then Labour Government should have worked harder to ensure that all the European Union countries opened their borders to the eastern Europeans, not just those three, because that obviously created a huge desire to go to only those three. It is the fault of a Labour Government, not of the Conservative party.

Keith Vaz: I have a great deal of time for the hon. Gentleman, but I am surprised at him, the promoter of a Bill to give a public holiday in support of the contribution of the Polish community to our country. It was a Labour Government who allowed, rightly, the A8 citizens to come here. It is not our job to tell the Germans and the French what to do, and they lost out because the presence of so many people from those central and eastern European countries has hugely benefited our country. I am glad that the Germans and the French did not raise the restrictions and that we were one of only three countries that did so, because we have benefited so much from the Polish, Hungarian, Czech and Romanian citizens who have come to this country. In the end, those countries will all lift their restrictions, because they will realise that that is the right thing to do.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I apologise for missing the beginning of my right hon. Friend's speech. I was at the annual general meeting of the all-party group on Poland, and I am happy to inform the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) that he was duly re-elected as its treasurer. If he follows the logic of his position, he should surely argue for qualified majority voting on immigration policy across the European Union. Does not the fact that he is not arguing for that indicate the internal contradictions in Conservative party policy on this issue, as on so many others when it comes to Europe?

Keith Vaz: That is the first time that an announcement on an office in the all-party group has been made on the Floor of the House in a debate of this kind. No doubt, it was because of the unique position that the hon. Member for Shrewsbury and Atcham holds in the affections of this House that the announcement had to be made then. I do not think that either he or his Conservative colleagues would be in favour of qualified majority voting on immigration—no Conservative Members are rising to support that view. They like the fact that we have kept an opt-out on that area, so that it is under our absolute control.

Although not many Labour Members wish to speak—I do not know whether my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) will speak—because we agree so passionately with the Government's policy and we do not really dissent from what the Foreign Secretary said earlier, I know that many Conservative Members wish to speak, so I shall make just two final points.

It is important that our Government make the case for Europe, although not because of what has happened in Ireland, as the Irish people have rejected the treaty. I, like other Members of this House and, indeed, like Europe itself, was surprised that the Irish people did so, because Ireland is one of the countries that has most benefited from the European Union. It is a wake-up call for this Government, in order to remind them of their responsibility constantly to make the case for being part of the European Union.

I did not know whether the right hon. Member for Richmond, Yorks was being cheeky when he suggested that the Foreign Secretary was off on a roadshow around the country or whether he just used that as an opportunity to talk about my previous roadshow, allowing me to make fun of his previous roadshow—the one designed to save the pound, whereby he sat on the back of a lorry. It was rather like "Wacky Races" going round the country. I do not know whether that suggestion was true—perhaps the Minister for Europe could tell us in the wind-ups—but I would welcome the Foreign Secretary and the Minister for Europe taking part in a roadshow around the United Kingdom. Perhaps one of them could travel on the top deck of the bus and the other on the bottom deck. Why do we not want to go to make the case for Europe to the British people? *[Interruption.]* I am glad that the hon. Member for Aldridge-Brownhills (Mr. Shepherd) remembers my roadshow. I did not visit his constituency, but I hope that the Foreign Secretary will, because it is important that we make that case to the British people.

As far as I can gather, there is common ground on Britain's remaining in the European Union. That is the position of Conservative Members, with the exception of a few—we have heard from them today, although they have not spoken in this debate—who want Britain to come out of the European Union. I think that it is

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still Conservative party policy that we remain part of the European Union. Perhaps the shadow Minister for Europe will remind us of Conservative policy in his winding-up speech. The shadow Minister for Europe and the right hon. Member for Richmond, Yorks should therefore also be part of the roadshow—it should be an all-party roadshow; perhaps we can save a seat for the Liberal Democrats, too.

As a united Parliament, we can remind people of the benefits of being in the European Union, and we must not forget to do so. When we forget to do so, those who peddle myths try to convince the British people that they get no benefit from being in the EU—so we constantly need to make that case. My hon. Friend the Minister for Europe worked extraordinarily hard during the passage of the treaty Bill through the House and I am sure that he is exhausted and would like to go back to Scotland for the weekends to spend time in his constituency and with his family, whom he has no doubt not seen for many months. However, this is an important role for him. He has to be at the summits, but it is also important to talk to the British people about the benefits of Europe.

In this debate, where we have the usual suspects, I have made my usual speech about the necessity for the Government to keep on making the case. To do so would mean that at some time in the future, when we decide to put the European question in one form or another to the British people, they could reach their judgment on the proper information, rather than after a three-week campaign that can easily be defeated by the tabloid media, which—with one or two notable exceptions—are very opposed to our even being in the European Union. We should not waste the opportunity of the next two or three years before we have to decide on other crucial issues. Let us go out to the British people and tell them how important the European Union has been for this country and how vital is our role in Europe.

Although we could not convince the Germans and the French to do what the hon. Member for Shrewsbury and Atcham suggested, we are still a hugely influential voice in the European Union. Many of the A8 countries have a great affinity with what Britain has done, because they recognise the role that we played in the enlargement process. We must always be vigilant in ensuring that our key role in the European Union remains, so that we are an influence for good and can advance the British agenda to the rest of Europe.

4.46 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): During the course of this debate on Europe, no one has so far mentioned Members of the European Parliament, who are obviously an important factor. I start most public meetings in my constituency, whether they are about the EU or other matters, by telling the audience that I will give £100 to anyone who can name all seven MEPs for the west midlands. So far, in three years, I have not lost a penny.

That is the major problem. If the Minister wants to convince people of the cause of the constitution and the European Union, he needs to address how MEPs interact with their constituencies. As chairman of the all-party group for the promotion of first past the post, I think that one of the major problems is that MEPs are elected by proportional representation and represent huge regions, so they are further away from the electors and therefore less accountable than Members of Parliament. None of the MEPs for the west midlands lives, works or has offices in Shropshire. The Conservatives ones are very good, but the Labour ones never come to Shropshire. Mr. Bushill-Matthews, Mr. Bradbourn and Mr. Harbour are very good MEPs—*[Interruption.]* I can name them all. I will not do so now, but I can. The Labour MEPs—certainly during my tenure in office—have never been to Shropshire, and that is a shame.

I am pleased that the Foreign Secretary has confirmed that the constitution cannot go ahead on 1 January 2009 unless there is an agreement from all 27 countries. That encourages me greatly because, as my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) has aptly stated, we are rapidly approaching a time when we will have a Conservative Government in this country. The Irish result is therefore important because it will open a window for an incoming Conservative Government in autumn 2009 or spring 2010 to renegotiate this treaty within the European Union.

I applaud the Irish people for the way in which they voted. Through their actions, they have given a chink of light to those of us who want the constitution to be renegotiated. I applaud them for their courage and fortitude, and we must not forget how negative the yes campaign in Dublin was at times. All sorts of scaremongering tactics were used: it was alleged that Ireland would lose out massively, in influence and funding. It was really scary stuff, yet the Irish people—who are instinctively pro-European—decided not to listen to those siren voices. Very bravely, they said, "No, we are not convinced by the European constitution and by its implications for our country. We are not going to support it."

Mark Lazarowicz: For the sake of consistency, the hon. Gentleman should at least concede that members of the no campaign were guilty of stating that voting yes would mean that abortion would have to be legalised in Ireland, or that Ireland would lose its neutrality. Does he accept that elements of the no campaign were guilty of distorting the European treaty?

Daniel Kawczynski: No, the no campaign was absolutely scrupulous and honest throughout.

We in the UK have many heroes who are also trying to do all that they can, and I must pay tribute to Stewart Wheeler, who has done a great deal to force the matter before the courts. I pay tribute as well to my hon. Friend the Member for Stone (Mr. Cash), and I was extremely heartened to hear today that he is making probing advances about securing a judicial review of the matter in the High Court as a result of the Irish no vote. I applaud him for that: I think that history will be kind to him and to others like him, and that the roles they have played in scrutinising the Government will be remembered.

All countries are equal, under the rules of the treaty and the process of ratifying the constitution. Ireland has said no, and that is just as important as any German rejection of the treaty would be. Therefore, the process of ratification must stop immediately.

On Monday, the Foreign Secretary faced repeated calls to stop ratification. We asked him to respect the views of the Irish people, but he refused point blank to stop the ratification process. I think that the Government's conduct is deeply damaging and flawed, as they have not acknowledged that one of our closest neighbours and allies has expressed its reservations about the constitution in no uncertain terms. That has not caused even a flicker in our Government's determination to proceed with ratification.

In his statement, the Foreign Secretary said repeatedly that he did not want to bully Ireland, but that is exactly what is happening. Immediately after the Irish no vote, our Prime Minister, President Sarkozy and Chancellor Merkel were no doubt on the phone to one another to see what they should do. Sarkozy went off to Poland to try to put pressure on the Poles, and Merkel did the same with the Czechs. Our own Prime Minister is allowing them to do that, because they want a scenario in which 26 countries are on one side of the fence, and one country—Ireland—is on the other. That is classic schoolyard, bully-boy tactics: a large group of countries is saying, "Look, you are just one small country, and we are not prepared to have you veto this treaty." I very much regret that.

The constitution is another step in the ongoing and perpetual process of power grab. I feel passionately about that. Just as a locomotive's furnace needs coal continuously, so the EU needs to grab more power from individual states. That gives it more power, but it also gives it relevance, which is important. If it were just to sit back and carry on with all its administrative work, it would not hit the headlines or move its aspirations forward. That is why the treaty is yet another attempt to take more power from our own sovereign Parliament, and why it must be challenged.

We have had crumbs of comfort in the past when taking on the federalist agenda of the European Union. I remember fondly two such occasions, although I was not a Member of Parliament at the time. The first was when Margaret Thatcher secured the rebate at Fontainebleau in 1984. I remember cheering her on—admittedly, I was only a child, but I was extremely happy that she managed to secure a rebate for the United Kingdom. The second time I remember being extremely happy was when John Major managed to block the appointment of Jean-Luc Dehaene, the Belgian Prime Minister, to the post of EU President. That gave some comfort although, regrettably, we got the even more federalist Mr. Juncker from Luxembourg instead. At the time, however, it was a crumb of comfort.

We need new leadership in order to be strong in the face of the European Union's federalist agenda. We need to be strong; yet diplomatic, and I believe that our next Prime Minister, Mr. Cameron—forgive me; my right hon. Friend the Member for Witney (Mr. Cameron)—will be exactly that. He will be polite, diplomatic and measured but, unlike the present Prime Minister, he will stand up to the federalist agenda of the European Union, and he will battle and fight for British interests.

My next point goes back to the argument made by my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) about national interest and influence. I listened to his words extremely carefully and intently, and I have never heard such a poignant, important statement about European Union affairs in this Chamber. Our country's interests are far more important than the influence that we have in the European Union, and I am sure that our next Prime Minister—the present Leader of the Opposition—will take on board the comments that my right hon. and learned Friend made today.

I should like to make a few points about the Liberal Democrats. During the debate today, we have all had fun scrutinising their extraordinary position. They abstained in the vote in this Chamber on the referendum, yet they voted against the referendum in another place. That is quite extraordinary and deeply flawed behaviour. I intend to say as much as I possibly can to my own electorate in Shrewsbury to highlight the conduct of the Liberal Democrats on this matter, because it is thanks to the Liberal Democrats that the people of Shrewsbury will not get a referendum on this very important issue. I am convinced of that, and I feel passionately about it. Some of my constituents want federalism, and some want to come out of Europe, but they are overwhelmingly united in wanting a referendum. They want the people of this country to have a referendum, and it is the Liberal Democrats who have prevented my constituents in Shrewsbury, and all the men and women of our country, from having the same say as the people of Ireland.

I want the European Union to focus on the issues that are important to my constituents. Last week and the week before, people came to my surgery to talk about petrol prices. I met a delegation of 50 hauliers last week, and they are extremely worried about what is happening to the Shropshire haulage industry. They want the European Union and our own Parliament to focus on that issue.

As chairman of the all-party group on Saudi Arabia, I have met King Abdullah and put our concerns directly to him. I am leading a delegation out to Saudi Arabia again in November, and we will continue to ask the Saudi authorities to increase oil production to ensure that costs come down.

Those are the sorts of issues that my constituents expect the European Union to work on; they want it to try to work, as a powerful, united bloc, with our Saudi allies and other allies from the Organisation of Petroleum Exporting Countries to help them out. They do not want technical constitutions that are extremely difficult to understand, and that nobody wants.

I saw the Minister for Europe nodding when we talked about reading the constitution. This is how sad I am: I read the EU constitution from cover to cover in French. It was one of the most traumatic experiences of my life, not only because I do not use the language that often nowadays, although I studied French at university, but because it was very difficult. The more I read, even in French, the more alarmed I was. Of course, at that stage the Government had not deemed it necessary to get us an English version.

I am conscious that others want to speak, so I shall wrap up my comments. I feel passionately about working for my constituents on the things that matter to them. As I have said to the Minister, my constituency of Shrewsbury is extremely agricultural. He knows about my interests in the agriculture sector. I am the chairman of the all-party group on dairy farmers. This country is undergoing one of the most extraordinary dairy farming

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crises imaginable. Ten years ago 47 cattle were slaughtered in Shropshire as a result of bovine tuberculosis; the figure now is 1,000 and rising. Interestingly, the French have managed totally to eradicate bovine TB. Less than 0.004 per cent. of herds in France have bovine TB. I intend to table an early-day motion encouraging the Secretary of State for Environment, Food and Rural Affairs to work in unison with his counterpart in France, so that we can learn from the French experience, and find out what the French have done completely to eradicate bovine TB. I urge the Minister for Europe to focus on those things—the things that matter to farmers and hauliers in Shropshire—and not constitutions, which are not what my constituents want.

5.2 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I am pleased to follow my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski), whom I find engaging, candid and rather open on the subject—much more so than some of us who have perhaps battled longer in the field. When Disraeli was asked, in an election campaign, what the Conservative party's theme was, he answered, "The constitution." Of course, that part of the 19th century saw Britain's long journey towards something that was key to our development—the extension of the franchise. The Government should be subject to the popular will. That was the beginning of what we call a democratic age—a term that is used in spades. Government should ultimately be obedient to the needs and judgment of the people. That is what we call accountable government. I repeat that, because that is now such an archaic dream or ideal and is seen to be of less significance in the wider world.

Clearly the European Council meeting will in truth be dominated by the result of the Irish referendum. The Sherpas, as I think they are called, may have already sorted out positions on all the great themes that the Foreign Secretary mentioned, so the Council will have a position on some of the issues, and the arguments will be more restricted. Central to any movement within the European Union—that is how it defines itself—is some sort of resolution of the Irish question, to use another 19th century expression. I am well disposed towards the Irish; I was born in Aberdeen, on the Celtic fringes, and I know that Britain could not be Britain without all the peoples who have been a part of these islands for a very long time. I have a special regard for the outcome determined by the 1.5 million or so people who voted in the referendum.

I was going to analyse the Foreign Secretary's statement, "No, we must not bully Ireland. No one has any intention of doing so." The Prime Minister took up the theme today and said that it was not for us to tell the Irish what to do. He said it was for the Irish to tell us, "what they want to do".

I notice that the arguments have become conflated. The Prime Minister did not mean the Irish people, because they have spoken, and they have said no. What he meant was the Irish political system or political class. On that extraordinary Friday, we were told that the referendum result would be announced at about midday but, in fact, there was a long delay. I watched "Sky News"—that is an advertisement—for a long time. The first thing we heard was not the Irish returning officer announcing to the Irish people the outcome of the referendum but Mr. Barroso—another President, only of the European Commission, but a President none the less—who was giving a press conference in Brussels, telling the EU, or the citizens of Europe, the result of the Irish referendum. How curious that the first port of call for democratic trust with people should be to tell the European Union.

I suspect that that was all pre-cooked—that is the truth of the matter. Mr. Barroso said that we must respect the outcome. In fact, it was even more ambiguous. Clearly, there was shock: how dare the Irish do that? After all, were they not the beneficiaries of a great deal of money? Was their progress not dependent on the EU? That is partly true—there were large transfers of cash, which continue to be made—but I do not think that the Irish, or the British, are bought just by cash. The revolutionary change in Ireland's prospects came about because of the Irish people themselves and the decisions that their Government made, on education and on opening their society. The change has been dramatic. Europea can take some credit for the transfer of money but, ultimately, it was the triumph of the Irish themselves. When they made a decision, the result was pre-empted by the President of the European Commission—we will have a plethora of presidents under the new constitution—who announced it first in Brussels, which makes me think that it was an attempt to subvert what the Irish said.

Some 53 per cent. of the Irish electorate voted. We are not remotely near that figure in our European elections, and it is not the case across Europe as a whole. There must be some country where the voting figures are higher, but that shows how disengaged the people—*[Interruption.]* With such a Prime Minister, there is almost no alternative. He is perpetually clear in what he wants for Europe, and his electorate is even smaller than the Irish electorate. There is a great anxiety. We have been told by the two former members of the Convention in the Chamber—the hon. Member for Birmingham, Edgbaston (Ms Stuart) and my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory)—that it was meant to bring the people of Europe closer together. The Convention took place a long time ago, and as with much of my time, it will feature when I look back at what I have done in Parliament. The European question has shadowed all my time in Parliament, and it has not been settled.

I was interested to learn that the Foreign Secretary was going to tour Britain. That must be one of the tough decisions to launch something—I am not sure what—that, as the Prime Minister tells us, is in the long-term interests of the British people. Does it show us that the Foreign Secretary and the Foreign Office regard Britain as a foreign country and that it is necessary to tour to tell it about the benefits of EU leadership? I am distressed by the British Government's response to the outcome of the vote in Ireland.

Britain, if it is anything, is about a democratic and accountable form of government. Could it not be that the Irish people, in their own way, have come to a conclusion that many, I think, throughout Europe—we know, certainly in the Netherlands and in France—have come to, namely that the treaty process cedes too much not just of national power but of character? They want to remain Irish, as I want to remain British. The French,

who are also anxious, think the same, too, and they voted no. But what we are faced with is popular revolt and Bourbon leadership.

During the Lisbon the debates, we heard from the hon. Member for Eastleigh (Chris Huhne) who is now Liberal Democrats' home affairs spokesman. He told us that unanimity and consensus are one and the same thing. I ridiculed that at the time. We have a language, and there are distinctions, shadings and therefore different purposes for the use of words. However, in the minds of many Europeans, dissent cannot exist, so even if I say, "I don't agree with this at all, but if you want to go ahead, I could just about live with it," they call it unanimity. I do not consider it to be unanimity, and—I suspect like many millions throughout Europe—I know that the measures are no longer connected with accountability to anyone.

How can the president of a bureaucracy—no less—in Brussels announce the most intimate of political judgments by a nation? Let us just ask the question. It was inappropriate. But what he went on to say was even more inappropriate. He is trying to fix up unanimous acceptance by all the other leaders of Europe's constituent parts, including the subordinate constituent parts, with the British, the French and the Germans leading. This constitutional necessity of Ireland's could be the saving of the process. If the process were to falter and fail, I should care to think—however unlikely this is—that the people themselves might come into play. One cannot cede power.

Incidentally, despite what the Government say, the world now knows that we had only 19 hours in this Chamber to debate clause 2 of the Bill in respect of the treaty. I hear the propaganda roll, because this is a world of spin. It says that between the two Chambers, we have had 30 days, but we know how the guillotine was constructed. There was no opportunity to analyse, argue or develop a theme on Report for the legislation that went through this place. It denied the process legitimacy, and legitimacy was what the Government were seeking. The Irish vote also denies it legitimacy.

We are now being governed—it is intolerable, and we must have a new system—by a bureaucracy in Brussels which, effectively, has no check on it. The European Parliament has no check on it. Therefore, one thinks, "What is the problem?" Essentially, the problem is that that bureaucracy is trying to form a new political dream. We had that debate in spades with the curious proceedings during the treaty process. We discussed the legislation but 19 hours, yet we heard endless repetition of how we did not appreciate the value of the new world.

All the way through is a link that the Government shied away from. Even the right hon. Member for Leicester, West (Ms Hewitt), perhaps dreaming of her ticket to Brussels, could not understand that democracy had anything to do with it. "This is intergovernmental", they say, "We great leaders determine this matter for our people."

Mark Lazarowicz: Will the hon. Gentleman give way?

Mr. Shepherd: May I just finish this point?

I think of the different electoral systems in Europe. I think of Herr Kohl, then Chancellor of Germany, who was defeated in his own constituency but remained a Member of the Bundestag. That is unthinkable in what I call the British Isles political settlement.

The Minister for Europe (Mr. Jim Murphy): It happens in Scotland.

Mr. Shepherd: The Minister for Europe makes a useful and cheering contribution. It does happen in Scotland, unfortunately. His Government brought in that unfortunate process, and the current Justice Secretary brought in the d'Hondt formula whereby we elect unaccountable MEPs to an unaccountable Parliament. To whom is anyone accountable? There is no national unity or national identity for Europe. Each of us is proud of who we are, and we want to defend that. We want to work in co-operation and comity, but we do not wish to be governed by what we cannot change.

Mark Lazarowicz: Tempting though it would be to follow the diversion of the situation in Scotland, you would not allow me down that road, Mr. Deputy Speaker, so I will revert to the point on which I originally sought to intervene on the hon. Gentleman. It is about the powers of the European Parliament. Will he at least accept that one of the effects of the treaty, if it is finally implemented, will be to give the European Parliament more powers to scrutinise and control the Commission and the Council. Is not that to be welcomed?

Mr. Shepherd: This is about democracy. The European Parliament is accountable not to the British people but to many diffuse electorates. The point was well made by my hon. Friend the Member for Shrewsbury and Atcham. Who knows who these people are, given the d'Hondt formula that the Government foisted on us? The whole point is that the European Parliament is not accountable. No one can sack it.

There is no European common public opinion. There are no common European newspapers or common European political parties. We do not identify with the national institutions of France or Italy. We may admire them or respect them—we may even love them—but they are not ours and they are not accountable to us. We have therefore constructed for Europe an abomination—something that is unaccountable, and now arrogantly unaccountable. Who elected Mr. Barroso? Not the people of Europe. It was another stitch-up between these consensual people.

This is a very important debate because it tells us everything about the weakness of our Government in their declining and last days. It tells us everything about how they cheated their way through the House of Commons and are dependent on the ridiculous position of the Liberal Democrats to thrust the conclusions of Mr. Barroso, the German Chancellor and the French President on to our on-the-back-foot—let me put it no more strongly than that—Prime Minister. The tide has gone out on this Government. We see that as we go round the country. If there is one thing that the Foreign Secretary will learn so that he does not give performances such as today's or his statement on Monday, it is just how disconnected this Government are from the people of Britain. That is very important in itself. We cannot operate in isolation without carrying the people with us, and the Government are not interested in what the people have to say on these matters.

That is why we in this House should send a powerful message that we believe profoundly in democracy, even if this Government do not. They talk about the

[Mr. Shepherd]

parliamentary processes when the very thing that got us into Europe in the first place was a referendum. There has been no popular expression on the question of whether the way that this has developed is appropriate for us. Deceiving and cheating on the question of a referendum will come back to haunt both the Labour Members who put it in their electoral manifestos.

Goodness knows what will happen with the Liberal Democrats; they will presumably present three candidates representing all views in each constituency. That should square matters. They have even deserted the Chamber now, although a Liberal Democrat is sitting there, pretending to read an important document, so that they can claim that they were represented in the Chamber.

I shall bring my remarks to a close because others wish to speak. This has gone too far. It is not good enough to have a Foreign Secretary who thinks it necessary to travel around Britain. He has a constituency, after all. Does he not meet his constituents? Are they so different from those in the rest of Britain? The same thing applies to the Minister for Europe. We heard from the former Europe Minister, and I must not work myself up about him. I was sitting here quietly in the Chamber, and he started his speech, referring to the usual suspects. This man did the first tour—do we remember that? He is the only man in Britain to say that he had met only two Eurosceptics. I can understand why. I was sitting here quietly and I should know that every time he comes into the Chamber, I will be drowned in treacle, or grease, or something, as he declares his unstinting adoration for his masters in office. That is the right hon. Member for Leicester, East (Keith Vaz), the suspect Chairman of the Home Affairs Committee who got there by a device that required a suspension of the Standing Orders of the House.

That is the system of Government we are living under now. I am smiling, but most of us think that it is corrupt, denigrating and it belittles the country that we are sent to represent. The Government need to state clearly, "We cannot proceed with ratification. We will not proceed with ratification until such moment as there has been a referendum, which we promised."

5.21 pm

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): Until the last few lines of the speech of the hon. Member for Aldridge-Brownhills (Mr. Shepherd), which I felt were an unnecessary personal attack on my right hon. Friend the Member for Leicester, East (Keith Vaz), I would have recognised the sincerity and passion with which the hon. Gentleman presented his case. I hope that he will understand that if I were even to attempt to respond directly to the points that he has made, I would not be able to deliver the contribution that I have prepared for any reasonable length of time—*[Interruption.]* Maybe even longer, indeed.

I restrict myself to the observation that in the case that the hon. Gentleman has always made with passion in these debates, he paints a picture of a European Union that none of us recognises as existing. He paints a picture of a superstate—some kind of creature or creation that is imposing its will on the British people and the British state. The fact is that we are active and full members of the European Union. We play a role in formulating its decisions, and I want us to strengthen our ability to play an active role in it, which is why I hope that at the end of the process, the Lisbon treaty will come into force, although I recognise that that is much less likely following the decision of the Irish people last week.

I mentioned earlier that I had missed part of a speech because I was at an all-party group meeting. I was also present for some of the discussions of the Commonwealth Parliamentary Association. There is a delegation here at the moment, and interestingly, as part of its study of the governance of this country, and the influences on our Parliament, it paid a visit to the EU. When I speak to parliamentarians and others from parts of the world that are not part of the EU, I find that they almost invariably admire what the EU has done. They recognise it as a success story, and it is only within the EU, particularly within the ranks of the Conservative party in this country, that a picture is painted of an EU that is not a success story. It is regrettable that we continually hear that sort of negativity towards the EU from the Conservative party and others.

As others have said, we certainly must not seek to impose our views on the people of Ireland after their referendum. But it is also the case that the decision of the Irish people should not pre-empt our decision in the UK, or pre-empt how we approach the EU and the Lisbon treaty.

The Eurosceptics on the other side of the House and elsewhere who are now celebrating the no vote in Ireland—along with the unholy coalition, ranging from the extreme right to Sinn Fein, that got that vote—are saying that as a result we should immediately cease our ratification process. I note that when the Spanish people voted in favour of a previous treaty a couple of years ago, the same Eurosceptics did not immediately drop their Euroscepticism or suggest that all their hostility towards the EU should now be dropped. No; they continued to argue their position, just as those who want to see the Lisbon treaty ratified are perfectly right to argue for our position within our democratic processes here in the UK. The Government are absolutely right to proceed with ratification.

Mr. Nigel Dodds (Belfast, North) (DUP): How does the hon. Gentleman answer the point that it requires only one country to say no to veto the introduction of the treaty? Even if everybody else agreed, the absence of agreement on the part of one would mean that it could not proceed. That is the relevance and importance of the vote in the Republic of Ireland.

Mark Lazarowicz: I fully understand the position, although I believe, as would most impartial and dispassionate observers of the Irish referendum—if there are any such—that the reasons why the Irish people voted no were numerous. Some were related to domestic politics, although I am not disputing for a moment that the Irish people, for whatever reason, did say no to the European reform treaty. That cannot be got round. Equally it is fair to analyse the various reasons why they chose to reject that treaty. If in the negotiations that are to follow it is possible to address those concerns, that seems the reasonable type of negotiation that should take place between the member states of the European Union to try to get an outcome which at the end of the

day requires unanimity. If Ireland or any other state does not ratify the treaty, clearly it cannot proceed. No one is disputing that anywhere in the House; I certainly do not dispute it.

Undoubtedly the motivation for that rejection in Ireland was one that had its source in many different places. Whether the Lisbon treaty is eventually ratified or not, it is important that the undoubted scepticism that was expressed clearly by the Irish people, and has been expressed here in the Chamber and in other countries, be addressed and, where possible, addressed in such a way as to persuade people of the merits of our active engagement in the EU.

It is particularly important for those of us on this side of the House and elsewhere who want to see Britain playing an enthusiastic role in the EU to address the defects of the European system if we are to create greater confidence within the British people, as well as in other countries, in the EU and its institutions. That is why I shall spend most of the limited time available to me on areas that the EU, whatever happens, must address if it is to have a chance of gaining the confidence of the European people.

The first issue is that the EU must address the way in which it operates. Part of the motivation of the Lisbon treaty was to simplify the decision-making process to allow the citizens to be reached more quickly and effectively in a number of areas, for the betterment not just of Europe but of our national interest. Even without the Lisbon treaty—if it does not go ahead—Members across the Chamber, whatever their position, will have to accept that the EU is not always a model of effective political decision making. It is not always a place where the big issues are prioritised over the smaller ones. That is partly because of the institutional structure, but I must say bluntly that it is also because of political failures—not failures by any one country, but failures over a number of years to concentrate on the key issues that Europe should be concerned about. Whatever happens after the ratification process is completed—or alternatively, if it is not completed—the political leaders of Europe must ensure that they turn their attention to the key priorities for Europe and do not become deeply immersed in the minutiae of European internal politics. I suspect that there is agreement across the Chamber on that.

A second area that Europe must address much more coherently and consistently is the challenge presented to the older EU members by migration from the new member states. The suggestion from some of the reports of the campaign in Ireland is that one concern was the effect on Ireland of migration from the new EU member states. Everyone in the Chamber knows that the issue comes up at the grass roots in communities in our country, too. There are people who try to make political capital out of such concerns, but they are real concerns and they must be addressed, not just in Britain but at European level.

I would like the European Union to play a much more active role in ensuring that people's concerns about the realities of the challenge posed to older EU member states by migration in the European Union are addressed. I would like a greater concentration on tackling racism in Europe and on working towards social cohesion among the different populations in member states, to try to reduce some of the potential for conflict, which undoubtedly could arise if migration in Europe is seized upon by various political forces for their own extreme reasons. That is something that we have seen happen in some countries, as many hon. Members will be aware.

A third issue that must be addressed is the relationship between the Members of the European Parliament, and the British people and Members of this Parliament. The issue is not just about addressing the relationship between MEPs, and the British Parliament and people, as well as the other constituent member states of the European Union; rather, we must be blunt and recognise that one of the biggest factors leading to cynicism towards the European institutions stems from the revelations about the behaviour of some MEPs in relation to their personal lives and their parliamentary expenses.

It is obviously rather dangerous to venture on to that territory, when we in this House rightly come under scrutiny in connection with our expenses. We all know that we have to put our house in order. However, there have been many reports of what some European parliamentarians have been doing. It would appear that hundreds of thousands of pounds in expenses from some Conservative MEPs have gone into family companies. I even understand from press reports that one Liberal Democrat MEP—it may even have been the leader of the Liberal Democrat MEPs, and I am sure that his claims may be right—has said that for years it was common practice for parliamentary expenses for travel to be claimed at the full price, even though he had to pay a lower rate, and for the difference to be donated to the party. That has not been challenged. That kind of behaviour, whether by a Liberal Democrat or any other MEP, is not only wrong in itself, but understandably leads to public cynicism about how those institutions operate.

Mr. Hands: The hon. Gentleman is talking about some of the alleged practices of Conservative and Liberal Democrat MEPs. How confident is he that Labour MEPs will be entirely exonerated when such practices are investigated?

Mark Lazarowicz: I was about to say that the Prime Minister and others have made it clear that Labour MEPs are expected to have their accounts audited. The point I am developing is that there is every reason to believe that across the political framework of Europe as a whole—I will not go beyond that—there are issues about the behaviour of MEPs that have to be addressed, as they challenge the credibility of European institutions. We all know that this is one of the factors that feeds into the general public disillusionment with politicians, whether at UK or European level. That is a symptom of a much wider issue, mentioned by the hon. Member for Aldridge-Brownhills (Mr. Shepherd), which is the disconnect between MEPs and the British public and Parliament. That does not lead to the conclusion that MEPs should have no role at all, but that they should be more closely involved not just with their own electorate but with Parliament. We need to build up more institutional means of allowing us to hold MEPs to account here in Parliament, so that they are involved in the scrutiny process that we try to implement to ensure that the European decisions in which we participate are genuinely in the best interests of our country. The Government need to be held to account in what they do in that respect.

[Mark Lazarowicz]

I now come to my final point. Too often in British politics, debates about our involvement with Europe and how we negotiate with Europe are framed in such a way that British interests are always presented as being best served if we can extract concessions from Europe. Our Ministers are portrayed as going over to Brussels, waving a handbag or whatever else they want to wave to fight off the evil Europeans, and extracting concessions that they can bring back to the UK. It is always framed in terms of a conflict between us and the evil European superstate, which is trying to do us down. That has been a theme from time to time under both Conservative and Labour Governments, but we need to move away from that kind of negative approach towards our participation in Europe. I give credit to the Minister for Europe as well as the Foreign Secretary for not adopting that approach, as I see it, in their dealings with Europe. I believe that they have played a very constructive role in putting forward Britain's case in Europe, and I hope that that model will continue for the future.

I end where I began, by saying that I want to see positive engagement by Britain in Europe, and to see us getting away from year after year of conflict with Europe. Yes, we stand up and fight hard to defend our national interest, but we should also try to promote it in a spirit of co-operation in order to achieve objectives on which we should all agree—energy security, tackling climate change, effective security within Europe and meeting the challenges of globalisation. Those are the priorities we need for Europe, rather than the sort of internal debate that has dominated discussion about Europe in the UK for far too long.

5.38 pm

Mr. Greg Hands (Hammersmith and Fulham) (Con): It is always a pleasure to take part in European debates. My constituency was mentioned a few speeches ago by the right hon. Member for Leicester, East (Keith Vaz), who talked about the large number of EU citizens coming into Hammersmith and Fulham. May I say that he is absolutely correct in describing that process? In fact, one in 11 of my population—or certainly of my electorate—is an EU citizen. That is true if we count the total electorate for a local or a European election. It is the second highest proportion anywhere in the UK—second only to my next-door constituency of Kensington and Chelsea. The most recent figures estimate that in Hammersmith and Fulham 6 per cent. of the population are Polish.

We have the largest French community, and we are also the centre of the Romanian community in London. However, it is not obvious that all that is down to the EU or, as the right hon. Member for Leicester, East said, down to the Nice treaty, as we also have the largest Australian community in the UK, as well as a large American community. The EU has played a role, but it would be simplistic to say that everything is down to the Nice treaty.

The five days since Ireland said no to the Lisbon treaty will turn out to be a tremendous missed opportunity for the UK. The UK should be taking a lead in the discussions that are now going on and in declaring the treaty dead while at the same time calling for immediate action radically to reform the EU. We may disagree on what direction that could come from, but my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) touched on something important when he referred to going back to the 2001 Laeken declaration, and there may be merit in the proposals made by my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) for an à la carte Europe.

We need to go back a little to Laeken and start the process again, but, unfortunately, UK Government policy was made pretty clear on Monday by the Foreign Secretary, who told us:

"We should allow the ratification process to continue in all countries; we should then see what the Irish decide to do and plan our next moves after that."—[*Official Report*, 16 June 2008; Vol. 477, c. 712.]

That sounds like the wait-and-see of the 1990s when the UK could be taking the initiative in Europe and trying to find a workable solution.

Our position could be very strong at the moment and we have considerable leverage. First, to state the obvious, we are uniquely close to Ireland. I am delighted to hear that the Prime Minister had a meeting with the Irish Prime Minister, but that is getting towards the heart of the problem: our Prime Minister met only the Irish, which implies that our official view is that the Irish are the problem, whereas in my view Brussels is providing the problem, not Dublin.

Secondly, the fact that we have not yet ratified the treaty—at least until later today—gives us considerable leverage in discussions on where to go from now. Thirdly, our people would certainly vote the same way as the Irish if they were given the chance. Again, that gives our Government, potentially, a lot of leverage. The contributions that we heard earlier and in previous debates suggest that there could be some cross-party consensus in the House on what the EU could and should be doing and the direction that it could and should be taking.

There seems to be, or there could be, a consensus. Remarkably similar speeches on EU reform have been made in the last year by, first, my right hon. Friend the Member for Witney (Mr. Cameron), the Leader of the Opposition, and, some time later, by the Prime Minister. I was in Brussels last February for a speech given by my right hon. Friend in which he talked about a 3G Europe: global poverty, globalisation and global warming. He said that we do not need more integration, more centralisation and more powers. It was a compelling speech.

Let us compare that with the Prime Minister's comment in the House on 22 October 2007, which he made when presenting his "Global Europe" document. He said that

"the priority for the European Union must now be the global challenges that we face in relation to employment, prosperity, competitiveness, climate change and security."—[*Official Report*, 22 October 2007; Vol. 465, c. 19.]

Occasionally, we hear Liberal Democrat spokesmen, assuming that anybody can find out what Liberal Democrat policy is, sounding rather similar. Those should be the priorities for the EU.

There could be—I stress, could be—a consensus of some kind on the reformed direction that the EU could be taking. Obviously, there are strong disagreements here on the merits of the treaty, and certainly on the process for pushing it through, but there might, nevertheless, be a UK consensus on EU reform.

Returning to what has been going on in the past five days, I believe that time is of the essence. We should be active in European diplomacy. We should be convincing our partners that Lisbon is dead. More importantly, we should be discussing a new way forward for Europe, but we cannot, which is part of our problem. At present, our Government are as hobbled as the European Union. They are deeply divided and, in my view, are experiencing too many domestic problems—not least in their own party—to be able to fight the corner for British interests in Brussels.

I have seen the Prime Minister showing no leadership at all over the past five days, and barely playing a role in the process. Part of the reason, I think, is that he is fundamentally uncomfortable with foreign affairs. He is not willing to engage and is deeply uncomfortable with some of the arrangements, although he made a fleeting appearance in the monastery to sign the treaty in December. He talks of British jobs for British workers and so on, and he strikes me as someone who is not engaging with our partners.

We have very few friends in Europe, and almost no influence. It is very difficult for us to take the initiative. At a time when our Prime Minister is almost mute, President Sarkozy is meeting four central European premiers in Prague in an attempt to shore up support for the treaty. This is a great and unique opportunity, but I do not think we are going to grab it with the current Prime Minister in power. The opportunity may not present itself at such a convenient time for years, and I think history will record that this was a very unfortunate time at which to be leaderless and rudderless in Europe.

What is the immediate future of the Lisbon treaty? I believe that the worst thing that could happen would be a second Irish referendum. What is more, Irish politicians appear to agree with me. Back in March, the Irish European Affairs Minister Dick Roche made this interesting comment on his website:

"there will only be one referendum held in Ireland on the provisions of the EU Reform Treaty... There is no plan B and there is absolutely no possibility of this Treaty being subject to a further renegotiation. The idea that we can reject this Treaty and have another Referendum as happened with the Nice Treaty is a delusion. That cannot and will not happen... Without Irish ratification, this Treaty 'is dead'."

A strong message has been sent, not only by the Irish people last week but by the Irish Government, that the Lisbon treaty is dead and it is time to move on.

There are also problems in the Czech Republic. Václav Klaus, its President, welcomed the Irish referendum result, calling it a

"victory of freedom and reason"

by the common people over

"artificial elitist projects and European bureaucracy."

The chairman of the Czech senate called for EU ratification of the treaty to be halted. We await the decision of the Czech constitutional court. It should be borne in mind that the decision was referred to the court by the ruling ODS party in the senate, which voted 48 to four in favour of the referral. My main point is that we need leadership from Britain, and we need it desperately now, when this opportunity has been presented to us.

I want to say a little about another issue that is unconnected with the European Union: our relations with Russia. Let me raise two points briefly. First, there is continuing concern about the interruption of the BBC World Service Russian language service. The World Service teamed up with various local FM partners a couple of years ago. Unfortunately—some would say predictably—the FM partners have dropped us. A couple of years ago, the eastern European language services of the World Service were generally closed down. A few of us thought that that was a pity, but that it was somewhat understandable that we should no longer subsidise broadcasts in Polish, Czech and Romanian. However, I think there is a compelling reason for us to subsidise broadcasts in the Russian language. Our local partners let us down, and while it was almost predictable that pressure would be put on them, I think it very regrettable.

Mark Lazarowicz: I am sure that Members in all parts of the House will agree with the hon. Gentleman's comments about the situation in Russia and the pressure placed on the BBC World Service. As for the relationship between Russia and the European Union, does he not at least accept that the EU would be able to speak much more firmly to Russia if there were a permanent President and a high representative, rather than the rotating presidency with which the current position leaves us?

Mr. Hands: I am afraid to say that I strongly disagree with that statement. We are much stronger with Russia when we are a collection of strong voices, rather than a single strong voice. It is deeply regrettable that the direction in which the EU is heading is forcing us to give up our independent voice.

I do not want to stray too far off the topic of Russia, but the European Scrutiny Committee considered something last week that would mean that Britain no longer had an independent position on whaling, because a common EU position would be agreed before each meeting of the International Whaling Commission. It was argued that all our EU partners share our view on whaling—they happen to be rather anti-whaling. I have no particular axe to grind on whaling, but the UK should be able to have an independent policy on whaling, and it is absurd to have a common European position on it.

Returning to Russia, I want to mention briefly the desperate need to bring about justice for the family of Alexander Litvinenko. I recently met his widow, Marina Litvinenko, who is a very brave lady who is visiting as many capitals as possible to publicise the case of her late husband. She recently went to the US Senate and she has met the all-party group on Russia. She has also held extensive meetings with her Member of Parliament, my right hon. and learned Friend the Member for Kensington and Chelsea.

It is a year and a half since the deed happened and we might be in danger—I very much hope not—of forgetting what a terrible act took place in late 2006. A British subject was assassinated—murdered in cold blood—somewhere on the streets of London. I cannot remember whether it was entirely clear whether that happened in a sushi bar or in a hotel. I am not sure whether it happened with the connivance of a current foreign Government, but a foreign Government must have been involved in providing the polonium-210 isotope in the first place. I urge all colleagues to sign early-day motion 1601.

[Mr. Hands]

When the Prime Minister meets the Russian President at the G8 this summer, I urge him to press again for the extradition of those whom we want to question about the assassination. Since the deed took place in late 2006, there has been a new Prime Minister of this country and a new President of Russia, and I fear that either or both will seek to brush this unfortunate incident under the carpet instead of confronting it and ensuring that justice is done. I hope that our Prime Minister will show strength on that issue when he meets the Russian President, because it would be a great tragedy if the Litvinenko family did not see justice.

5.52 pm

Mr. William Cash (Stone) (Con): I do not know whether the lack of Members in the Chamber is any reflection on the circumstances relating to the Irish vote. However, speaking for myself, I am a very angry politician, because it is outrageous that, after an electorate have a referendum, the rest of Europe—I will not mince my words—gangs up on them, which is basically what is going on, even though that referendum was held under article 29 of the Irish constitution of 1937. That electorate were entitled to make a choice, and they did so by a substantial majority and on a 51 per cent. turnout, although some say that it was slightly higher.

The actions of the British Government now are unlike their actions on the European constitutional treaty. Under the former Prime Minister, when the Government realised that the French and Dutch were no longer prepared to go ahead with that treaty, they abandoned their Bill on it, even though that Bill had received its Second Reading. I tabled 400 amendments after Second Reading and I would have been interested to hear Ministers' responses to them.

That Bill was dropped at the end of that Session and reintroduced in the second Session. Nothing was done about it—it never had a Second Reading: the Government recognised that the Bill could not proceed because the treaty could not be ratified. Now, we have a similar situation, despite the fact that the Bill in question has been through this House and through many of its stages in the upper House. Today, as I speak, the matter is being debated in the House of Lords on Third Reading, but the principle remains the same: there is no basis on which this can be legitimately validated.

I went to the High Court yesterday and made an application for judicial review. It has been turned down, and I do not complain about the fact that there is a difference of opinion on this issue, but what I do say is that there is no political basis—and, I believe, no legal basis—on which the Government can proceed to ratification.

I described as disreputable the statement that the Secretary of State the made the other day and I regard it as disreputable that the Irish people should be pushed around in this way. That is basically what is going on and I, for one, in common with many other people in this country, am baffled and angry. This is symptomatic of the overall attitude, the culture, of the European Union.

My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) has argued for an à la carte Europe. I am not quite sure what its core functions would be under his prescription. I personally have always argued for a Europe of co-operation—as I put it, European trade, yes, European government, no. As I have argued for as long as I can remember, I do not believe that we should let the supremacy of this House be subsumed by the will of other nations where our vital national interests are involved. I am in favour of European co-operation and of European trade, but I do not believe that we should voluntarily so neuter ourselves as to preclude our passing enactments that are inconsistent with the European Union when it is in our vital national interests to do so.

I know that the leader of our own party, my right hon. Friend the Member for Witney (Mr. Cameron), has said repeatedly that we will repatriate powers in respect of economic competitiveness. I take him at his word, because it is absolutely essential and in our vital national interests that we do so where we need to achieve economic competitiveness. I would go further. I believe that there is a whole range of matters on which we need to renegotiate. My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) spoke of renegotiation. I agree with that entirely and have argued for it for many years.

We also need to revisit the treaties that this Lisbon treaty would have given us the opportunity to revisit. The Lisbon treaty amalgamates all existing treaties under an arrangement, as the European Scrutiny Committee said, substantially equivalent to the previous constitutional treaty. It affects all the treaties, and this was the moment when we should have reasserted our supremacy.

Sir Malcolm Rifkind: My hon. Friend has indicated this evening, as he has done on other occasions, that his objective is a renegotiation of the treaty. He does not explicitly say that he calls for the withdrawal of the United Kingdom from the European Union, but he must know as well as the rest of us that if he wishes in any form—even after a renegotiation—for the United Kingdom to remain in a European Union, the Union must at least have some element of supranational identity. He has indicated that he would not support any supranational dimension to the EU. Have I misunderstood him, because if I have not, he is talking not about a renegotiation but about withdrawal?

Mr. Cash: No, I am not talking specifically about withdrawal. That has never been one of my objectives, but it may happen for the reasons I have just given. If there is not a proper renegotiation, we are moving, particularly in the light of the Irish vote, the French and Dutch votes and, previously, the Danish vote, into very dangerous waters. We are moving towards a situation where it is in the interests of all member states to sit round the table to renegotiate these arrangements.

Sir Malcolm Rifkind: I remain slightly confused by my hon. Friend's position. In the kind of European Union that might be renegotiated, is he willing to accept some element of supranational responsibility, whereby the United Kingdom shared at least an element—perhaps a much smaller one than at the moment—of sovereignty? Alternatively, is he saying that no such supranational dimension would ever be acceptable?

Mr. Cash: No, I have said many times that I can recognise the idea of having a European Court of Justice, which, in a way, encapsulates the question of supranationality, in relation to those functions conferred

on the European Union. I am saying that the European Union does not require more than very limited functions, primarily on matters relating to trade, although I think that the Single European Act, for which I voted, needs radical reform. My right hon. Friend the Member for Witney is right to argue for economic competitiveness. I think that the Maastricht treaty was a terrible mistake, but I could say the same of the Amsterdam treaty, which my right hon. and learned Friend the Member for Kensington and Chelsea negotiated, before it was taken over by the Labour party, and of the Nice treaty.

Mr. Heathcoat-Amory: My hon. Friend will be aware that the Conservative party is committed to a renegotiation, because it is party policy to seek to repatriate employment and social legislation—that has been repeated by the shadow Foreign Secretary and by the leader of our party. Does he agree that that in itself entails an examination of the role of certain surpranational institutions, such as the European Court, because otherwise there is a danger of an activist Court seeking to reintroduce obligations through the back door by using other treaty articles? Therefore, we are already committed to this profound renegotiation.

Mr. Cash: I believe not only that we are committed to the renegotiation, but that it is a thoroughly laudable process. I know that my right hon. Friend agrees with me on that subject. Fundamentally, this European Union is not working. It is not working in relation to the economy—in an earlier intervention on the Foreign Secretary, I cited the examples of Italy, Greece and Spain in that regard. The European Union is not working in many of the eastern European countries, and it is clear that the Irish people have concluded that it is not working for them either. It is not working on the questions of agriculture and foreign policy. We hear all this talk of a European army, but where are the Germans and where are the French in respect of the front line in Afghanistan? Their grand talk about a European army is outrageous.

The same applies to the question of stability in Europe for the business community. Mr. Verheugen tells us that there is £600 billion a year of excessive regulation, and the Better Regulation Commission tells us that there is £100 billion a year of over-regulation in this country alone. Such matters require renegotiation.

We cannot escape the fact that this system is not working. That is why the French, the Dutch and the Irish are taking the positions that they are. This dangerous situation could lead to civil disorder in the countries of Europe as food prices increase, as there is a degree of pressure on commodity prices and as we feel the impact of the fuel situation and all these other matters that are being discussed today in a broad context, some of which the Foreign Secretary addressed. When such issues start to bite, it is a prescription for disorder in a system that is inherently undemocratic—and which overturns decisions legitimately arrived at by the people—and which has a landscape that could be renegotiated and changed, but those in power do nothing about it. People will take power into their own hands if they are treated in that arrogant way.

Those of us who have argued that case are winning the argument. A book was recently published called "The Making of Eurosceptic Britain". Some people would even argue that the Labour Government have come to a certain degree of reality, although that is denied by their attitude to the Lisbon treaty. We need to recognise, however, that although we are winning the argument, we are not winning the battle of the establishment—be that the Whips, the establishment of the House of Commons and the House of Lords, the courts or the diplomatic service. There is no recognition that Europe as it stands is not a working proposition.

Kelvin Hopkins: The hon. Gentleman talks about the Government's Euroscepticism, and I agree that there is a degree of it, although it is somewhat hidden. The sighs of relief from Downing street were almost audible when the French and Dutch voted no in their referendums and when the previous attempt was defeated by Spain and Poland. If the Czechs reinforce the Irish decision, there will also be sighs of relief in Downing street, and I hope that that is the case.

Mr. Cash: Indeed, and I was delighted when my good friend Václav Klaus made a powerful statement as soon as the Irish result came through. People recognise that this is not working. They know that in Downing street, in the Foreign Office and all over Europe, but nobody will do anything about it. That is why I am angry. I am frustrated by seeing something that is going so badly wrong and so obviously calls out for proper remedy. There is a need for renegotiation, but also for alliances and co-operation. There is no need for this stubborn, arrogant European Government. As far as the UK is concerned, Mr. Barroso is the President of the European Union by courtesy of the European Communities Act 1972. He is appointed and he does not have any legitimacy, in the sense in which our Prime Minister, Ministers and Government do. Governments can be turned out, and this Government will be turned out in part because of their attitude on these matters.

The way in which the Government have supinely accepted the Euro establishment attitude to the Irish vote is in itself a demonstration of what is going badly wrong. The Irish people's attitude is like the old aphorism:

> "I do not like thee, Doctor Fell,
> The reason why I cannot tell;
> But this I know, and know full well,
> I do not like thee, Doctor Fell."

People can make their political analyses time after time, but the plain fact is that the project is not working. The Irish people have examined it and they have said that they do not like it. The same goes for the other countries that voted in the same way. This is a dead treaty. It needs renegotiation and democracy.

To my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) I say that we do need a post-ratification referendum if we cannot get one any other way, because it is vitally in our national interest to make certain we get the kind of Europe that suits this country. It is not enough to say that Europe has gone far enough. It has gone far too far, and it is time for my party and this House of Commons to insist on the supremacy of Parliament. That supremacy is based on the election of Members of Parliament in general elections: it does not come by virtue of laws passed by other countries with which we do not necessarily agree.

[Mr. Cash]

I shall conclude by pointing out that the latest opinion polls demonstrate that the arguments that I put are right, and that the people of this country want renegotiation. This treaty should have been binned as soon as the Irish vote was known. That is exactly what happened with the European constitutional treaty, and it is a disgrace that this Government have done almost nothing about it.

6.10 pm

Mr. Bernard Jenkin (North Essex) (Con): Although many important subjects have been raised in the debate, especially by the Foreign Secretary, I wish to concentrate on the consequences of the Irish no vote. I also want to set out the nature of the crisis facing the EU as a consequence, the deeper economic crisis that lies behind that, and the opportunity that the Irish no vote represents for the UK.

I listened with great interest to my hon. Friend the Member for Stone (Mr. Cash). I have listened to a great many of his speeches in my short time in the House, and I share many of his views on these matters, but I listened too to my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind). He made a very interesting contribution that represented a development in his outlook, but many of us have developed our views as the EU has developed and—dare I say it?—lurched from crisis to crisis.

We have been here before—in 1992, when the Danes voted no to the Maastricht treaty, and later when the Irish voted no to the Nice treaty. This time, however, things are different, and my hon. Friend the Member for Hammersmith and Fulham (Mr. Hands) was correct when he quoted a member of the Irish Government as saying that there is simply no question of going to the Irish people for a second time. That technique of wearing down the patience of the peoples of Europe has run its course, and I do not share the view expressed by my right hon. and learned Friend the Member for Kensington and Chelsea that there is a possibility that the referendum in Ireland could be rerun.

Kelvin Hopkins: The hon. Gentleman may have read a letter in today's *Financial Times* from Professor Simon Hix, who was speaking this afternoon to the European Scrutiny Committee. He is professor of comparative politics at the London School of Economics and he said that

"the majority on the No side was much bigger this time and there was a much higher turnout. Also, the sentiment of the public has changed since last time",

He added that there would be no second vote, as it would be lost by a bigger majority.

Mr. Jenkin: That is absolutely right, and I am grateful for that intervention.

I remind the Minister for Europe, however, of what the previous Prime Minister said after the last referendum. On 20 June 2005, he told this House that "the treaty cannot proceed". In a very dramatic speech, he told the European Parliament:

"The people are blowing the trumpets round the city walls. Are we listening?"

Sadly, the answer obviously was that the people to whom he was speaking were not listening, as they did exactly what he said that they should not do—they brought back a revamped version of the constitution, pretending that it was a completely different treaty.

The crisis that the EU faces is considerable, although its leaders believe that they will be able to get past it, just as they did with the previous crises. However, that will not mask the very deep crisis of democracy and legitimacy that now exists in the EU. There is no possibility of the EU working in its current form unless it completely denies democracy and separates itself from the normal mechanisms of consent that law making in democracies usually requires. That is not acceptable.

I want to look more closely at the crisis facing the EU. The disillusion in Ireland partly reflects the fact that the EU has not kept up with the pace of change or the trend towards globalisation that have been evident over the past 15 or 20 years. The EU has used the four freedoms of movement—of goods, services, people and capital—not as great liberating principles but as a licence to create an unaccountable law-making bureaucracy.

According to the Heritage Foundation, the UK has the freest economy in Europe—and the sixth freest in the world—whereas the economy of the eurozone is rated as merely the 27th freest. A MORI poll of 1,000 British business chiefs in 2006 revealed that 54 per cent. of British businesses felt that EU over-regulation outweighed the benefits of membership of the single market. The EU Commission itself admits that the annual cost to business of implementing single market regulations is about €600 billion. That is far more than it estimates that the single market adds to the EU's gross domestic product each year—a mere €225 billion. So the costs and benefits of the single market versus the regulation are out of kilter.

We have become choked by excessive regulation, and the EU's economic growth has become anaemic compared with that of its international competitors. Since the Lisbon agenda in 2000 proclaimed the ambitious target of achieving 3 per cent. annual growth in GDP over the next decade, which would make the EU

"the most competitive economy in the world",

it has barely managed half that level and its growth now lags well behind that in the United States, let alone that in China and India. When US unemployment recently hit 5 per cent., stocks on Wall street started to crash in reaction. In the EU, however, more than 7 per cent. unemployment is regarded as a cause for celebration.

The problem for competitiveness is essentially one of over-regulation, but even under the existing arrangements, that will continue to be a problem for the EU. Colleagues have already referred to the fact that my right hon. Friend the Member for Witney (Mr. Cameron) has stated:

"I do not believe it is appropriate for social and employment legislation to be dealt with at the European level"

and a Conservative Government will—

"restore social and employment legislation to national control."

It is not only the Conservatives who are saying that. Labour's own Trade Minister, Lord Jones of Birmingham, has said:

"If we allow Britain's economy to become hidebound in this way"—

by introducing excessive new regulation—

"emerging economies like China and India will walk all over us."

But the EU Commission is still wedded to regulation as an abiding principle of the EU's very existence. Indeed, the EU Trade Commissioner, Peter Mandelson, told an audience in June last year:

"Remember that it is the basic rules of the single market which have allowed European integration to progress...In short, no single market, no European project and no Europe puissance".

What a powerful statement he was making about the very nature of the EU.

The main attraction of the single market is not the extent of regulation, but the fact that it is a tariff-free trade area with rules on competition and state subsidies. Even the Prime Minister admits that the EU now accounts for 50 per cent. of all regulation in the UK, yet there is nothing intrinsic to a customs union that requires it to carry such a large body of regulation on matters ranging from the noise emitted by lawn mowers to the rules governing the employment of part-time workers.

Listening to my right hon. and learned Friend the Member for Kensington and Chelsea, I reflected on the question: what is the single market? I do not believe that the single market has to be represented by the huge body of regulation that is imposed upon us today, but I put it to my right hon. and learned Friend that, if we are to change that, we must necessarily commit ourselves to some form of renegotiation. The logic of his position is that he is now in favour of renegotiation, although there might be different means by which that could be achieved. I entirely agree with him that we need to escape from the unbearably adversarial tone that has dominated the relations between British Governments and the European Union over the past 20 or 30 years. We want a genuinely respectful, co-operative relationship, in which our mutual needs are understood.

I reflect on what Valéry Giscard d'Estaing said last summer when contemplating the revival of the Lisbon treaty, although I point out that I do not agree with all of it. He said that

"integration is vital for our Continent. And if the UK doesn't continue with us in this process of integration, conclusions must be drawn...we must find a 'special status' for Great Britain. If the British want to be apart, well, then we must be able to offer them that, and they must be able to accept."

I have no idea whether such special status could be negotiated with our European counterparts. I think that it could be, if we had the will. The fact that a dedicated, dyed-in-the-wool European federalist such as Giscard d'Estaing is perhaps saying the same thing as my Friend the Member for Stone shows that different views can be accommodated in the European Union, and would allow us to move to a different kind of Europe.

The obstacle to achieving some kind of special status might be that we would not be the only country seeking such status, as demonstrated by the referendums in the Netherlands, Ireland and even France. Many countries might want special status within the European Union. Perhaps that is the kind of à la carte Europe that my right hon. and learned Friend the Member for Kensington and Chelsea talked about, but it would mean having to address the existing treaties.

As for the current position, our Government are missing out on the opportunity to start a new debate about the sort of Europe that we want. The Prime Minister is cowering behind the institutionalised consensus in order to curry favour with Governments. That is influence without power. Labour is failing to take the lead in Europe. That kind of policy does not put the UK at the heart of Europe. We are just followers going with the flow, without influence over events. Instead of using our leverage in Europe to change the direction of the EU, the Government seek simply to polarise a spurious debate in our country. They say that it is not possible to renegotiate without leaving. I have heard a Minister say that it is not possible to go into McDonald's and order a lobster thermidor—a clever quip, but the EU is not McDonald's. In reality, the UK is in an unassailable negotiating position to achieve change in Europe.

The present constitutional direction of the EU has clearly run its course, as was demonstrated by the latest referendum in Ireland, and our EU partners enjoy a £38 billion trade surplus in goods with us. Germany alone has a trade surplus with us of £15 billion. The Prime Minister is fond of declaring, as he did yesterday, that 3 million jobs in Britain depend on our membership of the EU, as though it were we who were economically vulnerable. In fact, 6.4 million jobs in continental Europe depend on trade with the United Kingdom. Germany exports more goods and services to the UK than we do to it. Some 3.2 per cent. of German gross domestic product is exported to the United Kingdom. In France, the figure is 3.3 per cent; in Spain, it is 3.6 per cent.; in the Netherlands it is 7.4 per cent.; in Belgium it is 8.4 per cent.; and in Ireland it is 11.6 per cent. Imports from the EU 27 to the UK have grown by an average of 13 per cent. over the past two years.

Given the strength and extent of trading relations between the UK and the EU, it is clearly ridiculous to suggest that we will somehow be drawn into a trade war with our European partners simply because we want to negotiate in our own interests in the European Union, instead of carrying on along the present trajectory. It simply would not be in any nation's interests to start a trade war between the United Kingdom and the rest of the European Union just because we insist on rolling back some of the acquis and seek opt-outs from some of its more damaging aspects.

Failure to change direction would not only damage our national interest but fail to address the interests of Europe as a whole. By failing to seize this latest chance to exercise leverage, the Government are failing to settle the issue of the European relationship, which has dogged Governments of both parties and exasperated our continental partners. The Government have failed to restore voters' faith that something can be done about an issue about which they complain so much.

6.24 pm

Kelvin Hopkins (Luton, North) (Lab): May I apologise, Mr. Deputy Speaker, for not being able to attend the full debate? I was in the Chamber to hear the opening speeches, and I have listened with great interest to what has been said, and agreed with much of it.

The Irish referendum result was a breath of fresh air. It was a tremendous victory for ordinary people standing up against the bureaucracy and the elites of Europe who think that they know best, and what is good for us. The Irish have shown that ordinary people know what is best, and what is good for them. I have the privilege of representing the largest Irish community in the eastern

[Kelvin Hopkins]

region of England, so I have a large Irish community in my constituency. Last Saturday I went to the Luton Irish forum, and congratulated many of my Irish constituents on a splendid result. We were all very happy about it, and there was a certain amount of justified pride.

There has been much suggestion that because Ireland is a small country, the vote is not significant. However, it was almost the only country given the chance to vote. If other countries were given the chance they, too, would vote no. That is not just my view but that of Simon Hix, professor of European and comparative politics at the London School of Economics, who spoke to the European Scrutiny Committee this afternoon. In the *Financial Times* he wrote:

"The EU has lost three referendums in a row, and most other publics would have voted No if they had been given the chance."

I defer to his better knowledge, and I am sure that he is absolutely right. It would have been the case in Britain—there would be a large majority for a no vote in Britain, if we had the opportunity to hold a referendum. I hope that at some point there will be some kind of referendum.

I want to explain why the Irish voted no, because it has been suggested that people did not know what the referendum was about. We are told that there was confusion, so they voted negatively because they were a bit nervous. There have even been suggestions that when those referendums took place the vote was all about xenophobia and obscurantism. In fact, on my terms at least, the vote is often won for the no campaign because working people and trade unionists think that the EU is not on their side. Indeed, recent decisions by the European Court of Justice, including on the Viking Line case, suggest that the rights of employees, workers and trade unionists have been overridden by the interests of the corporate world, business and employers, which is worrying.

Fifteen years ago, the trade union movement thought that social Europe was what it was all about, which is why some trade unionists were enthusiastic about the EU. It was always clear to me that that was not the case, and Europe has turned against trade unionists and workers in recent times. The European Court of Justice decisions are very significant indeed. Yesterday I was at the headquarters of the International Transport Workers Federation in London, and I saw some of the posters that had been used. They were about the crushing of workers' rights, and they were no doubt displayed all over Ireland. They had a big impact on working people, who thought that the treaty was not a treaty for ordinary people but a treaty for business and the market. It was not a treaty to protect their interests.

Looking back to the French and Dutch referendums and, before them, the Swedish referendum, we see that it was the left that voted no in large numbers, because those people thought that the European Union was for business and employers, not for working people. For a long time, we have been sold the idea that there was an element of social protection, but it was not true.

I heard another anecdote from an MEP who stumbled into a meeting in Brussels three or four years ago, and was shocked to find a discussion going on between MEPs and officials about whom they would appoint to the social affairs commission. They were openly saying that they wanted someone who was popular but weak; someone who would not fight the corner of working people and trade unionists very strongly; someone who was acceptable but not very effective. They chose a small eastern European country—I will not be so unkind as to suggest which one—and a very nice but rather ineffectual man as the Commissioner for Employment, Social Affairs and Equal Opportunities. It was a way of having a token workers' representative who was not very powerful. He was not a strong socialist from a large country, but a rather feeble Commissioner from a small eastern European country that was a recent entrant to the EU.

There has been a cynical attempt to shift the European Union in the direction of business and the global corporate world—against the interests of working people. That message is getting across. I spoke at a trade union conference yesterday, and the people there clearly thought that was happening.

The forced privatisations of the railway industry are breaking up the large public sector organisations, which are strongly unionised, into many fragmented parts, and weakening the trade unions' influence and their power to protect their members inside such industries. That is what is happening in at least a majority of the railway privatisations that are being forced through in Europe. Those privatisations are not about simply selling shares in large organisations, but about fragmenting them. That is the key to the issue, and workers are getting that message.

On the economy, we have heard a number of attempts to suggest that the European Union is successful economically. That is not the case, because its growth has been slower than that in many other parts of the developed world. We in this country are very fortunate: we are able to choose our own economic strategy because we are outside the eurozone, and we have wisely adjusted our exchange rate downwards because we have a massive balance of trade deficit with the rest of the European Union. Clearly, we were structurally in error when we had a high exchange rate. We can also choose our own fiscal, taxation and public spending policies—and quite right, too. Other countries would like to, and in future they may want to.

Some three or four years ago, there was a hint that Italian politicians were talking about the possibility of withdrawing from the eurozone. In the eurozone there was a certain amount of panic at the possibility of such talk being abroad. Last weekend, there was even more talk about the Italians being unable to sell Government bonds. If countries cannot sell their Government bonds, they want to be able to adjust their interest rates.

Mr. Cash: Has the hon. Gentleman heard those who say that the Italians are either considering or actually printing the lira again?

Kelvin Hopkins: No. I am informed by the hon. Gentleman, and that is certainly a possibility.

If a country cannot sell its Government bonds, it has to do something about it. The logical thing to do might be to change interest or exchange rates, but the macroeconomic fundamentals should certainly be adjusted so that it can sell, so that its economy looks stronger, and so that people will buy Government bonds. The

situation is very worrying. The tensions and stresses inside the eurozone still exist, and they are likely to get worse because the world is having serious problems with rising oil and food prices and rising inflation. The next few years are going to be much more difficult economically, and the recent relatively benign conditions will not obtain in a year or two. That will be when the eurozone comes under strain, and member countries will envy what Britain has: its independence on macroeconomic policies.

I look forward to the changes. The eurozone story is not over yet. I hope that the Lisbon treaty story is over, however, because it is finished. It is clearly dead, and if the Czechs confirm what the Irish have said, there will be no question of the treaty coming back. I urge every Member to read the letter in today's *Financial Times* from Professor Hix, because it was very wise. I have probably spoken for longer than I should, but I am grateful for having had the opportunity.

6.33 pm

Mr. Mark Francois (Rayleigh) (Con): I am genuinely pleased to have the opportunity to sum up for Her Majesty's Opposition, after what has been an important and often very interesting debate. It has been enlivened by a number of good contributions from my right hon. and hon. Friends. They include my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind), my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), and my hon. Friends the Members for Shrewsbury and Atcham (Daniel Kawczynski), for Aldridge-Brownhills (Mr. Shepherd), for Hammersmith and Fulham (Mr. Hands), for North Essex (Mr. Jenkin) and, of course, my hon. Friend the Member for Stone (Mr. Cash).

I also particularly enjoyed the contributions from the Labour Benches by the hon. Members for Birmingham, Edgbaston (Ms Stuart) and for Luton, North (Kelvin Hopkins). I was particularly struck by the remarks of the hon. Member for Ilford, South (Mike Gapes), the Chairman of the Foreign Affairs Committee, who confirmed something that Conservative Members have long argued—that we do not need the treaty of Lisbon to bring about further enlargement of the European Union. It was great to hear that damascene conversion.

We have touched on several important issues, including rising food prices, Russia, Zimbabwe and Iran. On Iran, the points raised by my right hon. Friend the shadow Foreign Secretary about how the Prime Minister appears to have mismanaged the situation were not adequately answered by the Foreign Secretary. That is a subject that Conservative Members certainly intend to pursue.

I think that the House will not be completely surprised if, given the events in Ireland last Thursday, I concentrate the bulk of my remarks on the referendum and its implications for the Lisbon treaty. I would like personally to congratulate the Irish people on a brave and wise decision in rejecting the treaty of Lisbon in a free and fair national referendum.

It should be remembered that this vote follows on from the rejections of the original European constitution in 2005 by the voters of France and the Netherlands. Given that, as Bertie Ahern, the previous Irish Taoiseach, argued, the two documents are at least 90 per cent. the same, more than 21 million Europeans, and a clear majority in three member states, have voted to reject this over-centralising project. Ireland's own Commissioner, Charlie McCreevy, admitted after the vote:

"I somehow suspect that if many other member states of the EU had to put it before their people, the result would be the same".

If our own Government only had the courage to grant the referendum in Britain that they promised all along, I am confident that we could prove Mr. McCreevy absolutely right.

It is important to appreciate the scale of the rejection in Ireland. The no camp won by 53.4 per cent. to 46.6 per cent.—a clear margin of almost 7 percentage points, and over 100,000 votes. In addition, the turnout, at over 53 per cent., was higher than in Nice 1 and in Nice 2, and involved well over 1.5 million people participating in the ballot. Any attempt to portray the result as in any way unrepresentative or illegitimate does not stand up to close scrutiny.

Mr. Jenkin: Does my hon. Friend agree that a no vote was against the odds given that every broadcasting outlet, every respectable newspaper and every respectable political party was in the yes campaign, as was the Commission, with its money, and business, which was all lined up as well. It was a very one-sided campaign, yet the no vote won.

Mr. Francois: All those people made a fundamental mistake: they took the people for granted, and they paid for it.

Hugo Brady from the Centre for European Reform—a think-tank that is not usually noted for its Eurosceptic attitude—described the result in Ireland as

"a substantial no vote on a substantial turnout"

and added:

"It may be that forcing European integration through grand treaties has lost its impetus."

We certainly agree.

Given the scale of the defeat, Irish politicians, even those who were originally in favour of the treaty, have begun to concede the settled view of their electorate. The Irish Labour leader, Eamon Gilmore, said:

"The decision of the Irish electorate has to be fully respected and there can certainly be no question of putting the same Treaty back to another referendum."

The Fine Gael leader, Enda Kenny, said:

"the Irish people have made a clear-cut decision on the matter".

It is incumbent on politicians across the European Union to respect the decision made by the people of Ireland.

It has become almost a Commons tradition over the past few months that whenever we debate Europe we quote from the architect of the original constitution, Mr. Valéry Giscard d'Estaing. In order to comply with that emerging tradition, I remind the House of his prediction:

"Public opinion will be led to adopt, without knowing it, the proposals that we dare not present to them directly".

The Irish refusal to adopt those proposals nevertheless presents the European Union with a major challenge, in terms not only of Lisbon but of the future credibility of the organisation itself. That point was touched on by several of my right hon. and hon. Friends.

[Mr. Francois]

The whole anti-democratic nature of the ratification process in this country—the breaking of the solemn promise on a referendum, the curtailed and rigged debate in the Commons and the knowledge that the Government seem set on trying to press ahead with the treaty regardless—has not exactly increased support for the European Union and its institutions among the British electorate. If anything, it has done quite the reverse. If the European constitution was plan A and Lisbon was plan B, any attempt to coerce the Irish to vote again, perhaps on some slightly modified basis, for what we might characterise as plan C, is only likely to increase resentment against the EU even further.

In fact, that resentment is already growing. A YouGov poll published only yesterday revealed that by a margin of nearly four to one, British people think that the Lisbon treaty should be dropped, while 65 per cent. of respondents agreed with the proposition that the EU is out of touch with normal people. When even newspapers such as the *Financial Times* are running editorials entitled "Time to put the EU Treaty on ice", the Government ought to take notice and give Lisbon up as a bad job.

In the light of developments, we are entitled to ask exactly what the Government's position is. At the weekend, No. 10 clearly briefed the press that it wanted the treaty killed off. *The Sunday Times* published a story under the forthright front page headline, "No. 10 admits EU Treaty is finished". The Foreign Secretary was at it, too. There was an article in *The Sun* on Monday entitled, "Give EU Treaty 'The Last Rites'", with the sub-heading "It's dead, says Miliband". That briefing was made to the press by the Labour party in private, but once we heard the Foreign Secretary's statement on Monday, and read his blog—although with my hon. Friend the Member for Mid-Bedfordshire (Mrs. Dorries) in the Chamber, I have to say to him that if he wants to get into blogging, he has a lot to learn from her—it became evident that they were desperately trying to keep the treaty alive behind the scenes. We have a position where the Government, under pressure, have yet again resorted to spin. They tell the press that they want the treaty gone, but they work behind the scenes to do everything they can to save it. When it comes to the future of our country, and indeed our continent, why can Ministers not be straight with the House of Commons just for once?

If the Government's position is confused, it is an absolute model of clarity compared to that of the Liberal Democrats. Trying to pin them down on this issue over the past few months has been like trying to nail jelly to a fence—with a large number of Liberal Democrats sitting on it while one is doing the nailing. My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) went through a list of their crimes in this regard, and the Liberal Democrat spokesman's speech this afternoon was so full of obfuscations that I feel compelled to repeat some of them.

In the Commons, the Liberals argued against their own manifesto commitment to a referendum on the constitution and in favour of an in-out referendum instead. We were then treated to the sixth-form stunt of an orchestrated walkout because they were not allowed to vote on an in-out referendum, even though that does not appear anywhere in their 2005 general election manifesto. With a few honourable exceptions, they eventually abstained on a referendum on Lisbon in the Commons, although they supported our amendment to prevent the ratchet clause giving up further national vetoes without an Act of Parliament; we give them credit for that.

When the Bill on the treaty reached the other place, the Liberals were given a chance to vote on an in-out referendum—something that they had longed for in the Commons—and when it came to that vote, they abstained again. When it came to the alternative option of a vote on the treaty of Lisbon, rather than abstain, as they had in the Commons, they voted against. They voted for the passerelle amendment in the Commons, but voted against it in the Lords. When he was asked to defend his position, the Liberal spokesman said that it was our fault that they had voted that way. This is an entirely new system of politics in this country. The Liberal Democrats can vote any way they want and then blame other parties for their voting record in the Lobby.

What does the Liberal spokesman have to say to his colleagues in this House who had to resign their Front-Bench positions because they had the honour to stand by their manifesto on which they were elected? Indeed, what does he say to those colleagues who wanted to vote for a referendum, but were ordered to abstain by their leader on a three-line Whip, only to see their peers abstain on an in-out referendum in the other place and vote against the treaty of Lisbon a few weeks later? We would like to have questioned the leader of the Liberal Democrats directly on this matter tonight—but unfortunately Baroness Williams of Crosby does not sit in the House of Commons but in the House of Lords. It is perfectly evident that for the last couple of months she, and not the leader of the Liberal Democrats, has been running Liberal policy on the treaty.

I hope that that point is not lost on the voters of Henley or on the people of this country. It certainly has not been lost on the hon. Member for Eastleigh (Chris Huhne) or the hon. Member for Twickenham (Dr. Cable). In summary, the Liberal position on the treaty of Lisbon has been a calamity from start to finish.

In theory, the purpose of the debate today is to inform the Government's negotiating position at the forthcoming European summit tomorrow and Friday, so let me conclude by offering the Government some frank advice. The treaty of Lisbon can come into force only if ratified by all 27 member states, a point readily conceded by the Foreign Secretary. In Ireland, ratification can take place only via a referendum. It has just had a referendum that produced an emphatic no vote on a record turnout. Rather than trying to bully the brave Irish people into voting again, our Government should admit that they have got this wrong, respect the democratic decision of the Irish people—and those of France and the Netherlands before them—go back to the drawing board and start again.

I offer a warning. The more EU leaders continue to try to push Lisbon through in the face of democratically expressed public opinion, the weaker their support among the peoples of Europe will become. No means no, and European Governments, including our own, should simply respect that.

6.46 pm

The Minister for Europe (Mr. Jim Murphy): I am delighted to wind up at the end of today's fascinating debate, in which we have had 14 Back-Bench speeches, including from my hon. Friends the Members for Birmingham, Edgbaston (Ms Stuart), for Edinburgh, North and Leith (Mark Lazarowicz), for Luton, North (Kelvin Hopkins) and for Ilford, South (Mike Gapes), and others to whom I will refer. We also heard from my old sparring partner the hon. Member for Rayleigh (Mr. Francois). I am delighted to hear from him again, although I missed the part of his speech to do with climate change, the Balkans and many of the other big and challenging issues facing Europe. Perhaps they will be for another speech on another day.

We also heard from two former Ministers for Europe. The spirit of relentless optimism of the right hon. Member for Wells (Mr. Heathcoat-Amory) still haunts my office at the Foreign Office. We heard, too, from my right hon. Friend the Member for Leicester, East (Keith Vaz). There was a symbolic contrast between the different approaches of the two parties to the issue of Europe. Unfortunately, I will have to disappoint my right hon. Friend. I have to confirm that there are currently no plans whatever to go on a road tour in the UK or Europe with or without the shadow Foreign Secretary and the shadow Minister for Europe jointly in the caravan. I say so simply out of experience. I once spent a month living on a bus with the late and brilliant Donald Dewar. Despite his wonderful company, I resolved at that point that that was an experience never to be repeated. The stories of that are perhaps for another day.

We also heard as usual from my right hon. Friend the Foreign Secretary a thoughtful and all-encompassing speech, addressing so many of the big issues facing Europe that will be discussed at the European Council. We also heard a narrower but, as is normal, humorous speech from the right hon. Member for Richmond, Yorks (Mr. Hague). We were treated again to the image of Liberal Democrat cojones. I hope that this is the last time that I have to sit and listen to that slightly homoerotic speech from the right hon. Gentleman.

I was delighted to hear again from the hon. Member for Stone (Mr. Cash), whom I have missed over the past few weeks. In the middle of one of his interventions, he rather bizarrely announced—I think it was this—the death of Dido. *Hansard* will of course record properly what he said, but his comments, although not often humorous, nevertheless brought a wry smile to the face of the hon. Member for Aldridge-Wells—[HON. MEMBERS: "Aldridge-Brownhills."]

Mr. Cash: The Minister can't get it right either.

Mr. Murphy: No, but there is a slight difference. That smile disappeared when my right hon. Friend the Member for Leicester, East described the post of Minister for Europe as the most enjoyable job in Government—certainly I used to think that, until last Friday.

The hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) again spoke with characteristic commitment. On behalf of those of us on the Government Benches, let me congratulate him on his re-election as treasurer of the all-party Poland group. He reminds us of the contribution made by those from eastern Europe to our economy and society, not just now but in previous generations. Tomorrow I will have the opportunity to visit my old school in Glasgow—St. Louise school—which is probably the first school in the United Kingdom where the majority of the pupils are from Poland. That is an occasion that I am looking forward to.

Daniel Kawczynski: Say "Dzien dobry".

Mr. Murphy: I will try. I also thank the hon. Gentleman for his customary courtesy, in inviting me to join his first-past-the-post group. I look forward to responding to him on that matter.

Many issues were raised in our debate, and I think that every country in the European Union was mentioned. Sixteen countries outside the European Union were mentioned. *[Interruption.]* Liechtenstein is now the 17th: I had the honour of meeting the Foreign Minister of Liechtenstein last week, and we had an enjoyable conversation. Nevertheless, I want to talk about a country in the European Union that will remain a proud and equal member, and that country, of course, is Ireland.

I do not pretend to speak for the Irish Government. I have never taken up my entitlement to Irish citizenship and I have no intention of doing so. However, the Irish people have the fundamental right to come to their own decision, as guaranteed by their constitutional settlement. That constitutional settlement reflects Ireland's unique history, in the same way that our constitutional position, like those in all the member states of the European Union and beyond, is a reflection of our democratic traditions, arrived at through our unique experiences.

However, we have to be clear—indeed, Her Majesty's Government are crystal clear on this matter—that the European Union is, and should continue to be, a Union of 27 equal member states. There is no question of the treaty coming into effect or being implemented in any member state unless it is ratified by all 27 member states. We wish to be absolutely clear about that again.

Mr. Cash: Could the Minister explain to me and others what led the Government to decide to proceed with ratification under the current Bill, which they did not do with the European constitutional treaty, when the previous Prime Minister abandoned the proceedings? What was the reason for that and what is the distinction?

Mr. Murphy: The precedent on Maastricht, Nice and the old constitution plays both ways, as the Foreign Secretary said earlier in the week. With Maastricht, the then Conservative Government were determined to continue. When it came to Nice, we had not even had the First Reading of the Bill giving effect to the treaty when the Irish held their referendum, but we had all subsequent stages of that Bill after the Irish referendum. In the present case, we are 96 per cent. of the way towards ratification—indeed, the House of Lords is reflecting on the matter at the moment.

After the referendums on the old constitution, it was clear that those countries were not going to ratify. That is not the position at the moment, and we await the determination and decision of the Irish Government on how they now wish to proceed. After the referendums on the older constitutions, it was clear that France and the Netherlands were not going to ratify.

Daniel Kawczynski *rose—*

Mr. Murphy: I shall give way in few moments.

The Irish Europe Minister said on BBC television just today that Ireland was

"not going to intrude on any other member state's ratification process. It's right and proper that each member state deals with this matter in its own constitutional procedures as we did with our process".

Having cited that comment from the Irish Europe Minister, I give way to the hon. Gentleman.

Daniel Kawczynski: The Minister has kindly spoken about what was said during our debate, but has he taken the time to talk to Back-Bench Labour MPs to hear their views about whether they support the continuation of the ratification process? Surely some of them must now have second thoughts because of what has happened in Ireland. Is the Minister taking those soundings himself?

Mr. Murphy: I have those conversations every day. However, with respect to my right hon. and hon. Friends, it is for the Irish Government and not them to decide the way ahead there—in the same way that neither we nor any country in the EU should bully the Irish, Ireland should not determine the UK Parliament's process. The Irish referendum determines the Irish position; the UK Parliament decides the UK position.

The hon. Member for Stone and I have had some lonely debates over recent months about the nature of UK parliamentary sovereignty. We have talked in detail about the Vienna convention and the law of treaties, and he has invented—or spoken about—previous constitutional novelties. In the last couple of days, I believe that he has invented two further constitutional novelties. The first is that the sovereignty of the UK Parliament, which he so passionately defends, should be conditional on article 46 of the Irish constitution. There is no such sense of national sovereignty. We should defend absolutely our right as a Parliament to come to our sovereign decision on this matter; it should not be conditional on one article of the Irish constitution.

Secondly, the hon. Member for Stone has gone so far as to seek judicial review at the High Court to defend the right of the Irish constitution to supersede the UK Parliament on this issue of ratification. He sought to do that in the High Court of Justice this very week in the Queen's bench division of the administrative court, presided over by the hon. Mr. Justice Collins in the case of Mr. William Cash—forgive me for putting it that way, Mr. Deputy Speaker—*v.* the Secretary of State of the Foreign and Commonwealth Office. The conclusion was that there was no reason why the Government should not ask Parliament to continue to deal with the European Union (Amendment) Bill despite the refusal of Ireland to ratify the Lisbon treaty, and that it will be for Parliament, not the court, to decide whether the Bill should be passed, having regard for the Irish decision. It is, as it has always been and as it always should be, for this Parliament to decide the processes and procedures for ratifying a treaty in the UK. It is for the Irish, through their own domestic constitutional arrangements, to make their decision.

What we have heard this afternoon is the traditional call from the Front Bench of the Conservative party, saying "This is a dreadful treaty; we have to rely on Nice." Let us think back to what happened with the Nice treaty. We heard the overblown hyperbole from the shadow Foreign Secretary, saying that it was three steps to a European superstate, so they had tried to delay it by introducing a referendum clause.

We should also recall the fact that Conservative Members voted against the Third Reading of the Bill on the treaty of Nice. What was the great clarion call during debate of that treaty? It was, "Fall back on Amsterdam, because Nice was so dangerous"—overblown hyperbole again. We were told from the Front Bench of the Conservative party—not by some "better off out" person from the Back Benches—that the Amsterdam treaty would destroy Britain. Amsterdam would destroy the UK, we were told, and the Conservatives wanted a referendum on that treaty. They voted against it, as I said, on Third Reading. There is at least a pattern of consistency on some matters: overblown hyperbole; fiction repeated as fact; calling for referendums in opposition that are never supported when in government; voting against Third Reading on each and every one of the Bills that were so important to the reform and modernisation of the European Union. They claim to support that, but they should be judged on their actions, which have been to block every improvement in the EU over the past decade or more.

Question put and agreed to.

Resolved,

That this House has considered the matter of European affairs.

PETITION

Post Office Closures (Shropshire)

6.59 pm

Daniel Kawczynski (Shrewsbury and Atcham) (Con): On behalf of my constituents in Greenfields in Shrewsbury, I present a petition to the House calling for the post office in that community to be saved. Five post offices in my constituency of Shrewsbury and Atcham are under threat of closure, and I shall try to present a petition on each of— *[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Gentleman, but I must tell the House that there should not be conversations going on while the House is still proceeding with business.

Daniel Kawczynski: Thank you, Mr. Deputy Speaker.

The petition states:

The Petitioners therefore request that the House of Commons urges the Government to instruct Post Office Ltd. to ensure that Greenfields Post Office is kept open.

More than 1,480 of my constituents have signed the petition.

Following is the full text of the petition:

[The Petition of users of Greenfields Post Office

Declares that the plan to close five Post Offices in the Shrewsbury and Atcham constituency will have a detrimental effect on the lives of local residents. The local Post Office

is a vital and integral element of the local community, supporting social interaction between residents. They should not simply be assessed on an economic basis without taking into consideration the social economic value they offer to the local community. The proposed partial replacement of three of the Post Offices earmarked for closure by a mobile vehicle with restricted hours, and in some cases parked on the side of roads or in lay-bys, is a substandard solution not benefiting the world we live in today.

The Petitioners therefore request that the House of Commons urges the Government to instruct Post Office Ltd. to ensure that Greenfields Post Office is kept open.

And the Petitioners remain, etc.]

[P000217]

Credit

Motion made, and Question proposed, That this House do now adjourn.—*[Steve McCabe.]*

7 pm

Dr. Stephen Ladyman (South Thanet) (Lab): My parents were of the generation who were young adults in the second world war and they brought up their family in the years that followed. I remember that debt was anathema to them. If people could not save to buy something for cash, they could not have it. We live in a very different world. For most people, debt is a way of life. Our mortgages, our big-item borrowings and our credit cards have become the foundation of many household economies. What matters to most people now is not what we can save up for, but what debt we can afford to service.

We can argue until the cows come home about whether that is good or bad, but the fact is that it is the reality of our modern lives. Without credit not only is our access to luxuries severely restricted, but our ability to access the basic necessities of life, such as a roof over our heads, is also at risk. If people have a poor credit rating, they can have a torrid time getting by.

I shall give my right hon. Friend the Minister an example. A constituent of mine has just approached me for help. He and his new partner wanted to start their life together in their own home. It turns out that his partner has a poor credit rating as a result of problems in her previous relationship. She was not responsible for those problems and has done her best to address them, but, nevertheless, her credit rating has been tarnished.

As a result, this couple have been told they cannot have a mortgage. When they approached private letting agents in my area, they were again told that the poor credit rating of my constituent's new partner would prevent them from getting accommodation in the private rented sector—and all that because one of the two, not both of them, is regarded as "financially untouchable". That cannot be right.

I could certainly understand the financial services sector taking that view of an individual who had behaved recklessly or irresponsibly, but it appears to pay no regard to the specific circumstances of the case and is not prepared to show flexibility. I know that my right hon. Friend understands the importance of credit in the modern world. I also know that the Government have done a huge amount to give people with debt problems the advice that they need and realistic options to pursue.

I hope that my right hon. Friend will use some of his time to set out those important initiatives, but my purpose in introducing the debate is to highlight the fact that this is a problem of growing significance and that we need to think about doing more. This problem is no longer isolated or one that affects only other people. It affects hundreds of thousands of families and people just like each of us. It affects people in the south and the north, and in all parts of the UK. It affects people of every social class and every lifestyle, and in every profession. In 2006-07, Citizens Advice dealt with 1.7 million inquiries on debt.

The Department for Business, Enterprise and Regulatory Reform's Insolvency Service reported nearly 65,000 bankruptcies and about 42,000 individual voluntary arrangements in 2007. In addition, the debt resolution

[Dr. Stephen Ladyman]

industry's estimate is that there are probably between seven and nine informal debt management plans for every person entering into an IVA. In other words, there could be 400,000 to 500,000 people becoming financially untouchable every year, and that is not including people who are shunned by the financial services sector just on the basis of their postcode or because they have a learning disability.

If anyone listening to the debate thinks that this does not apply to them, they could well be wrong. Many people do not realise that they are in this position because they have not applied for credit for some time. They include people who had a glitch in their payment history some time ago, but recovered their position and began making payments again. Perhaps a personal problem arose, or there was a significant change in their life circumstances outside their control such as redundancy, a family emergency or a relationship problem. Such people, having regained control of their situation, are often blissfully unaware that they have a credit black mark until they try to remortgage or take on a new loan and find that their request is refused.

A person in that category told me of his own experience. He had had a fixed-rate mortgage. When the fixed rate ended he was put on to the bank's standard variable rate, which was significantly more expensive. He tried to shop around and obtain a better deal, but discovered that he could not do so. Without knowing it, he had become financially untouchable as a result of a problem that he thought he had resolved to everyone's satisfaction. As time has gone on, he has found his extra mortgage costs increasingly difficult to finance. People in this category can find their mortgage costs increased by as much as 50 per cent., and can be forced back into debt problems that they thought they had resolved; many are even being pushed into insolvency.

The problems faced by people who are financially untouchable have been raised with me not only by my constituents but by Mr. Richard Rubin, who is behind a website called ReallyWorried.com. I am grateful to him and his colleagues for helping me to prepare for the debate. On the website real people can talk about the problems they face, and other real people can offer solutions and advice. Mr. Rubin approached me because he was finding that the problem of debt was being frequently recorded on the site, and had specifically identified problems faced by people who had been deemed by the financial services sector to be financially untouchable. Mr. Rubin calls such people "funts", and he is reaching out to them through a new website called funts.co.uk. I hope that they will find some of the support and advice that they need there.

I should add at this stage that I have also received excellent briefing from Citizens Advice, for which I am grateful. As we all know, Citizens Advice is an excellent source of advice for people with debt problems, and many people certainly need advice. My first request to the Minister is for the Government to review the advice and information available to people with debt problems, and to ensure that all who provide such services and advice make their own interests and biases clear. Good advice could prevent a lot of people from becoming funts, but whether advice is provided through Citizens Advice, a professional organisation or funts.co.uk, it must be good advice, unbiased advice and robust advice.

I am pleased to say that the Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), recently announced in response to the consultation paper "The debt claim process" that in future people in debt would always be offered advice from creditors to help them to avoid court proceedings. I believe that all creditors will be required to give debtors a chance to discuss their problems, and to provide details of people who can give free advice, before legal action is taken. I fear, however, that the advice will be made available only when legal proceedings are already on the horizon. I want people to be given help earlier, so that they do not get into that position.

Too many organisations use our television channels to offer debt consolidation services and other easy ways out of debt problems, and I suspect that many are not being frank with their potential clients. Too few seem to be making it clear that if someone has a debt problem, consolidating the debt without addressing why the problem arose in the first place could well prove disastrous, and could put that person on the slippery slope towards becoming a funt. In my view, someone seeking to consolidate debt could well already have a problem. It is at that early stage that people should talk to someone who will not pull their punches.

Citizens Advice has provided me with a perfect example. A citizens advice bureau in Norfolk reported that a couple owing more than £62,000 had approached a secured-loan company seeking a consolidation loan. They had surplus income of £427 per month, but the repayments were £702 per month—a shortfall of £279 per month. The loan also put the clients into negative equity because they were in a shared ownership scheme with only £10,000 equity after the first charge. That company's website has a budget planner that asks for figures on income, expenditure and the amount to be borrowed, but the company itself did not seem to use it when making lending decisions. The CAB felt that that amounted to encouraging irresponsible borrowing and I entirely agree. On the subject of advice and awareness, perhaps there should be a financial education programme for people who want to understand their options better or just feel they need some help with learning how to balance their books.

I would also like the Government to review the information that we receive on credit card bills because building up debt on credit cards is often the first step to building up a serious debt problem. I recently noticed that my credit card bill gave the advice—in tiny writing—that if I repaid only the minimum amount, it might take "a long time" to repay the outstanding sum. That is not wrong; given the rate of interest of many store cards, repaying the minimum amount each month could mean that it would take years to repay the debt. Why do we not insist that each credit card bill states the minimum amount to repay each month, plus how much would need to be paid each month to repay the loan in one year, and how much would need to be repaid to clear the debt in two years? That might stop some people getting into trouble by encouraging them to face their debt at a much earlier stage.

The key point that I want to make is that the financial services sector needs to be made to recognise there is a big difference between funts who have been irresponsible and those who have faced up to their problems. Some funts have indeed been financially irresponsible, but

some have been oversold credit or have been unfortunate. Some "funts" have faced their problems honestly, while others have not. There are easy ways to identify those who deserve to be cut some slack and those who do not, but, at present, the system treats people who have used bankruptcy as an easy way to avoid their debts almost the same as it treats those who spend years of their lives repaying as much as they can afford to those to whom they owe money.

I would like those who work to repay their creditors to be offered the incentive of a clean credit record, with no black marks, no being treated as financially untouchable, and no waiting six years for credit blemishes to be overlooked. Such an incentive would mean more people paying more of their debt, so the financial services sector itself would benefit. It would also take advantage of the fact that people going through an individual voluntary arrangement or working through a debt management plan would learn budgeting skills and how to avoid the mistakes that they made earlier in life. Such an incentive would be a matter for the financial services sector, but the Government could encourage it to introduce that voluntarily.

Failing that, there is a regulatory opportunity that would allow the Government to insist on such a reform. The Ministry of Justice is at a very early stage of consultation on the possibility of regulating debt management. The regulatory regime could be stretched to include the treatment of debtors by creditors and a credit repair provision for "funts" who do their best to repay what they owe. At the very least, the consultation could be used to stimulate a review by the industry of the issue and its attitude to people who have faced up to their responsibilities.

Creditors must accept that if they do not agree to reasonable offers to repay debts, but take draconian enforcement action instead, they are piling on the pressure for consumers who can pay and want to do so. People in financial difficulties need support and understanding if they are to deal effectively with their debts. Those who want to be responsible need to be given an incentive, rather than being punished irrespective of what they do.

My right hon. Friend the Minister might not be able to respond to all my points in his speech, especially because there is cross-Government responsibility for these issues involving his Department—the Department for Work and Pensions—the Department for Business, Enterprise and Regulatory Reform, the Ministry of Justice and the Treasury. However, I would welcome a letter from him after he has had a chance to consult his colleagues.

The problem is serious for many of our constituents and it is getting worse by the day. Being a "funt" can mean losing one's home, or being denied a mortgage or re-mortgage, or even rented accommodation. It can mean not getting a new job, being denied insurance, or not getting a credit card, and thus being denied access to the bargains available via internet shopping. It can even mean being denied a pension policy or savings account. That might be a proportionate response to the behaviour of a feckless few, but it is extreme, even for them. For most "funts", who I am convinced have learned a lesson and are proving they are willing to do their best to repay their debts, such a response is disproportionate and unfair. I hope that my right hon. Friend and the Government will help them.

7.15 pm

The Minister for Employment and Welfare Reform (Mr. Stephen Timms): I thank my hon. Friend the Member for South Thanet (Dr. Ladyman) for raising this important issue and drawing it to the attention of the House. It is, of course, extremely important that consumers have access to affordable credit for all the reasons that he spelled out. It is also important that credit and mortgage markets are well-regulated, so that lenders lend responsibly, borrowers borrow responsibly and consumers receive appropriate protection.

It is important that we understand the economic context of this debate and the steps that the Government are taking to safeguard financial stability in the UK, and I want to say a little about that before moving on to the direct steps that the Government are taking to address the concerns that my hon. Friend has raised. We are of course seeing global economic turbulence affecting markets right across the world. Problems that began in the US sub-prime housing market have led to a global contraction in the supply of credit in the UK; as one of the world's leading financial centres, we are no exception. In the light of what has happened, banks have started to take a more cautious approach to credit risk. Lenders trying to raise funds face restricted sources of funding and higher costs for that funding. As a result, lenders are re-pricing risk, increasing the cost of lending, with consequences for UK borrowers.

I need, however, to underline to the House the fact that we are dealing with a completely different situation from the one that we saw in the early 1990s. The employment figures published last week broke the record once again for the number of people in work in the UK—up to 29.55 million, the highest it has ever been. Historically low interest rates and a decade of relatively low inflation remain in place—a point perhaps underlined, rather than undermined, by the degree of attention paid yesterday to inflation going above 3 per cent. The rate of repossessions in 2007 was about a third of the rate in 1991. The Bank of England's "lending to individuals" data, published just a fortnight ago, show that re-mortgaging rates across the market remain resilient. The Council of Mortgage Lenders reports that

"contrary to popular belief, customers coming out of fixed rates in 2007 and 2008 appear to be managing the adjustment well so far".

Nevertheless—my hon. Friend has rightly drawn the House's attention to this—some borrowers are certainly facing problems. We want to safeguard economic stability and fairness, and to make sure that support is in place for households who may need it right now.

We are taking steps to provide stability in the mortgage and credit markets for the long term. In April, the Financial Stability Forum presented to the G7 its report on the underlying causes of recent market turbulence, which proposed appropriate responses. G7 Finance Ministers committed to full, rapid implementation of the report's recommendations, which require action by national authorities, international bodies and participants in the market. In the UK, for our part, we have committed to rapid implementation, too.

We announced in April that Sir James Crosby would lead a group to advise on options for improving the functioning of mortgage finance markets, working closely with market participants, the Treasury, the Bank of

[Mr. Stephen Timms]

England and the Financial Services Authority. Sir James is considering a range of market-led initiatives to improve the robustness of securitisation markets in the medium and longer term. He will initially report to the Chancellor during the summer, and he will then present his proposals at the time of the pre-Budget report, later on this year.

My hon. Friend has reminded the House of cases in which borrowers with poor credit histories may not be able to access mainstream borrowing options. He has introduced me—and may well have introduced others in the House—to the term "funt", which I had not come across before. However, it perhaps rather vividly captures the predicament that people find themselves in. I think that he suggested that 500,000 people a year might find themselves in that position. That sounds a very large number to me, although I do not know.

Where my hon. Friend and I will agree is that, in these circumstances, it is very important that borrowers do not turn to loan sharks. The Government have rolled out a project to close down illegal moneylenders in every region of the country. Those projects should reduce the vulnerability of financially excluded people—or "funts"—to borrowing at unaffordable interest rates and to the risk of intimidation or violence, which too many of them have faced. We are keen that there should be a decent alternative to those illegal sources of credit, so we have supported an increase in the capacity of affordable credit providers in the third sector.

As part of our work to ensure greater financial inclusion we have committed £80 million, to date, to provide extra funding for third sector lenders. That is being delivered through a growth fund, which was launched two years ago and is administered by the Department for Work and Pensions—I think that that is the justification for my responding to this debate rather than any of my colleagues to whom my hon. Friend referred. In Bristol, about 1,500 loans have been made to low-income borrowers from the growth fund, and Hampshire Credit Union has made thousands of loans to people in Portsmouth and it will be expanding to deliver thousands more in Southampton. In December, we announced a commitment by the major retail banks to supporting third sector affordable credit providers, including action to develop new provision for affordable credit in 25 high-priority areas.

My hon. Friend rightly underlined the importance of financial literacy, which the Financial Services Authority has a statutory obligation to promote and takes very seriously. I hope that those in the FSA who are responsible for these matters will want to examine the points that he has made. He rightly says that we could avoid many of these problems if people knew what they were getting into when they were considering taking out some of the products that are offered to them.

On industry action, we have asked the mortgage industry to work on improving its voluntary arrangements for borrowers throughout this period, including those seeking to refinance fixed-rate deals, so that borrowers receive early advice and support. We hope that they will thus be able to avoid landing up in the situation that my hon. Friend has described. We welcome the statement by the Council of Mortgage Lenders that was published on 8 February, which sets out the steps the industry is taking to help avoid repossessions. Those include the following: joint working with debt advisers; proactive identification of at-risk borrowers; and considering repossession only as a last resort.

Following recent meetings involving the Chancellor, the Chief Secretary to the Treasury, the Housing Minister, the Council of Mortgage Lenders, the Finance and Leasing Association and myself, the industry is committed to reviewing its framework of support, to working with consumer groups, including strengthening its guidance and information for consumers, and to improving the arrears practices of lenders.

The Government have put in place statutory regulation of mortgages and credit to help ensure responsible lending. In 2004, we extended the scope of FSA regulation to cover mortgages. We expect lenders to continue to fulfil all their obligations to borrowers under statutory regulation, so that they are afforded appropriate protections and repossession is considered only as a last resort.

The Office of Fair Trading, which my hon. Friend mentioned, reports to the Department for Business, Enterprise and Regulatory Reform and regulates other consumer credit business. It is there that many of my hon. Friend's suggestions and ideas should be considered. The regulation of consumer credit is undergoing extensive changes following the Consumer Credit Act 2006, which received Royal Assent in March 2006 and will be implemented by October 2008. The new legislation enhances and updates consumer credit regulation by providing consumers with access to an alternative dispute resolution mechanism via the Financial Ombudsman Service, strengthening the consumer credit licensing regime and abolishing the previous £25,000 limit on regulated credit agreements.

It is important that the regulatory framework remains effective for lenders and borrowers. The FSA and OFT are committed to working closely together to align their approaches on mortgage arrears. The Prime Minister announced in his legislative programme speech that the Government will look at whether further action is necessary to protect borrowers in the second-charge lending market.

Some borrowers will experience financial difficulty, and that is why the Government are taking steps to help to address debt problems, including by providing good debt advice and improving financial capability in the longer term. We recently announced—on top of earlier announcements—a new £10 million package of measures to support home owners who may be facing difficulties with their mortgage. The announcement will also ensure additional debt advisers in citizens advice bureaux and other third sector organisations, and expanded access to free legal representation at county courts throughout England for households at risk of repossession.

I noticed that the briefing from Citizens Advice to which my hon. Friend referred specifically welcomes the funding for additional county court advice desks on mortgage possession hearing days as part of that package. I also join him in congratulating Citizens Advice on the vital work that it does in this area. That welcome is underpinned by the increasing financial commitment that we have made to supporting such work.

As part of the package, we have also strengthened the National Homelessness Advice Service to provide a new comprehensive debt advice service that draws on the expertise of the two partner organisations, Shelter and Citizens Advice. The package also includes more specialist

training for citizens advice bureaux staff and local authorities on debt advice to help families get their finances back on track.

My hon. Friend referred to work in the Ministry of Justice. Following consultation in July 2004, several measures were included in part 5 of the Tribunals, Courts and Enforcement Act 2007. We are introducing an enforcement restriction order to provide those who run into sudden and unexpected short-term problems, and who have realistic chances of recovery in a short period, time to overcome problems without the threat of enforcement, so avoiding running into the problems that my hon. Friend has highlighted. As he mentioned, a consultation on the parameters for those orders ran from January to April this year, and he commented on what the Ministry of Justice said in response.

Dr. Ladyman: My right hon. Friend is right that these measures might stop someone facing legal proceedings, but they will not necessarily stop someone becoming a "funt". The fact that they have defaulted on some payments can be used against them by the financial services sector when they subsequently come to apply for credit again. As welcome as it is that people are given the advice and help they need to avoid court, I still ask my right hon. Friend to talk to colleagues to ensure that they are thinking about the possibility of putting in place a mechanism so that someone in that position can repair their credit rating after they have sorted out the problem.

Mr. Timms: My hon. Friend makes an interesting suggestion and I will ensure that my colleagues who are responsible for this issue look specifically at that suggestion. He asked me to write to him, but I should probably arrange for the appropriate colleague to write to him. I accept his point of correction. Although the package will in some cases stop people becoming "funts", it will not invariably do so, and I take his point that we need to consider what more can be done.

My hon. Friend pointed out, and I agree, that the industry needs to play its part in supporting borrowers—both those in difficulty and those who might get into difficulty—so that they have the information they need to make judgments about how quickly to repay debts, or whether to take out debts and loans in the first place. We have therefore called on the mortgage industry to work on improving its voluntary arrangements for borrowers, so that they receive early advice and support. I hope that the industry will consider with interest the suggestions that my hon. Friend has made tonight, as they are the sort of ideas that work well—

The motion having been made at Seven o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at half- past Seven o'clock.

House of Commons

Thursday 19 June 2008

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

NEW WRIT

Ordered.

That Mr. Speaker do issue his Warrant for the Clerk of the Crown to make out a new writ for the electing of a Member to serve in this present Parliament for the County Constituency of Haltemprice and Howden in the room of the Right Honourable David Michael Davis, who since his election for the said County Constituency has accepted the Office of Steward or Bailiff of Her Majesty's Three Chiltern Hundreds of Stoke, Desborough and Burnham in the County of Buckingham.—*[Mr. McLoughlin.]*

PRIVATE BUSINESS

LONDON LOCAL AUTHORITIES (SHOPPING BAGS) BILL
(BY ORDER)

Order for Second Reading read.

To be read a Second time on Thursday 26 June.

MANCHESTER CITY COUNCIL BILL *[LORDS]*
(BY ORDER)

Order read for resuming adjourned debate on Second Reading (12 June).

Debate to be resumed on Thursday 26 June.

BOURNEMOUTH BOROUGH COUNCIL BILL *[LORDS]*
(BY ORDER)

CANTERBURY CITY COUNCIL BILL *(BY ORDER)*

LEEDS CITY COUNCIL BILL *(BY ORDER)*

NOTTINGHAM CITY COUNCIL BILL *(BY ORDER)*

READING BOROUGH COUNCIL BILL *(BY ORDER)*

Orders for Second Reading read.

To be read a Second time on Thursday 26 June.

Oral Answers to Questions

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Church Buildings

1. **Ben Chapman** (Wirral, South) (Lab): What factors the Church Commissioners take into account in deciding on the preservation of church buildings. [212130]

The Second Church Estates Commissioner (Sir Stuart Bell): Good morning, Mr. Speaker. May I, with your permission, congratulate the hon. Member for Gosport (Sir Peter Viggers) on his knighthood? Since this is Church Commissioners Question Time, I almost said, "priesthood". He has been a colleague of mine in this House for many years. We have had adjacent offices, and from time to time, sparing the blushes of the Whips Office, we have paired together. His elevation is well deserved and worthy of him and this House. He has the singular distinction of having come into the House in February 1974 with my right hon. Friend the Member for Walsall, South (Mr. George), so they share that particular election.

Where a suitable alternative use cannot be found for a church that has closed for worship, the commissioners determine its future having consulted the Church Buildings Council about its qualities. In considering the possibility of preservation by the Churches Conservation Trust, the commissioners take into account the trust's ability to meet the repair and maintenance cost, other sources of funding, and competing claims for vesting in the trust.

As my hon. Friend the Member for Wirral, South (Ben Chapman) takes a big interest in his own constituency affairs, I am sure that he will be interested to know that St. Mary's, Thornton-le-Moors is a grade I listed church near Stanwell oil refinery that was declared redundant in 2002. Lengthy negotiations for a possible alternative use did not bear fruit, and I expect that the commissioners will consider preservation in the near future.

Ben Chapman: In considering the future use of redundant church buildings, what consultation takes place with local communities? In particular, what consideration is given to the building's potential in the context of faith tourism?

Sir Stuart Bell: I am grateful to my hon. Friend for returning to the theme of faith tourism, which is very important for the Church. He would wish to know that the commissioners' involvement in any preservation matter begins once a decision has been taken to close a particular church of worship. Since 1969, the future of 1,741 redundant churches has been decided under the pastoral measure. Alternative uses have been found for 1,007, while 352 have been preserved and 382 have been demolished. Preservation and faith tourism are extremely important, and how we can link them together as part of our English heritage is a matter of some concern to the Church.

Mr. David Drew (Stroud) (Lab/Co-op): My hon. Friend will know that there are at least three proposals to consider how the Church of England could receive a massive boost to bring their buildings up to scratch for all the reasons he has just set out. Will he explain what is happening and tell us of any deliberations he has had with Ministers on how we can provide this massive investment, which, as he knows more than me, is sadly needed?

Sir Stuart Bell: My hon. Friend raises an important point about the relationship between Church and state. It is not generally known that the state does not help us by financing the preservation of churches, although we

work closely with English Heritage, from which we receive funds. There is a great concern in the Church that funds might be diverted from the heritage fund to the Olympic games, which would not assist in the preservation of churches. I will be happy to write to my hon. Friend on the specific matters to which he refers, and put a copy of my letter to him in the Library.

Sir Nicholas Winterton (Macclesfield) (Con): My question is not about a church that is closing—quite the opposite. My question is about St. Peter's church in the village of Prestbury, just outside Macclesfield, which is a flourishing and highly popular church. It is a valuable listed building, but there is a huge debate in the village about the proposal to extend the exterior of the church, rather than alter it inside. Can the hon. Gentleman indicate what factors the Church Commissioners would take into account to allow this substantial alteration to a beautiful church that is much valued? There is great debate in the village. I am not taking sides—that is not my business—but I want to know which factors are taken into account.

Sir Stuart Bell: That looks like a planning matter for the local community, but there are several aspects to what the hon. Gentleman says. First, it is a beautiful church; secondly, it is well attended; and thirdly, there is the question whether it should expand from within or without. The gospel has already expanded from without, which is why it has lasted for 2,000 years. I would be happy to look into the matter to which the hon. Gentleman refers, and to give him a proper written answer.

Sir Peter Viggers (Gosport) (Con): I expected to be answering questions today rather than asking them, but the hon. Member for Ribble Valley (Mr. Evans), who tabled a question on postal voting has unstarred his question, which deprives several hon. Members in my party of the chance to raise the issue.

May I take the opportunity of using a question relating to churches to thank the hon. Member for Middlesbrough (Sir Stuart Bell)? I particularly value his kind comments. Does he agree that the burden of maintaining one of the glories of this country, namely our old churches, falls heavily on the modest number of people in the congregations? If the state were minded to divert more resources to churches, many people would warmly welcome that.

Sir Stuart Bell: That question gives me two opportunities. The first is to return to my hon. Friend the Member for Wirral, South (Ben Chapman), and to say that faith tourism will be considered by the General Synod next month. On state involvement in Church funding and maintaining our heritage through the preservation of our buildings, it was someone else who said,

"Render…unto Caesar the things which are Caesar's".

The state has steadily withdrawn over many years from its Church involvement. It is a matter of great concern in the Church that secularism seems to be on the march, and that the Church and its majority community is somehow falling behind in the stakes. Everything that we say in this House on the Church, the preservation of churches and our heritage, is welcomed, and it is listened to elsewhere.

Bell Ringing

2. **Mark Pritchard** (The Wrekin) (Con): If the Church Commissioners will hold discussions with the General Synod on policy on bell ringing in churches; and if he will make a statement. [212132]

Sir Stuart Bell: To my knowledge, the General Synod has no plans to discuss bell ringing. Many bells in England have been heard by their communities for 400 years and they are a cherished English custom. On the rare occasions when there are allegations of nuisance from bell music, it is the Church's aim always to settle through mediation.

I pay homage to our bell ringers up and down the land. They are conscientious about giving notice of prolonged ringing and use methods to control noise if the bells are so loud as to cause nuisance. In a parish church, the incumbent has the final say about when the bells can be rung. As I said earlier, church bell ringing began in England in the 16th century and it has been a particularly English custom ever since. Church bells are almost always the longest surviving sound in the area—that does not apply in Scotland, of course, where the bagpipes are played. There are more than 40,000 ringers in the United Kingdom. I should add that the Churchcare website gives useful guidance on church bells and the law. There is a law on bell ringers, as there is on most other things.

Mark Pritchard: I am grateful for that reply. Of course, John Betjeman wrote more about church bells than about Sunday hedge-trimming, lawnmowers or football matches. I join the hon. Gentleman in paying tribute to all the nation's bell ringers. It is very much a part of English culture and tradition. Does he share my concern that in some villages and towns in this country, over-eager public officials, some weak-kneed vicars and human rights advocates who take the Human Rights Act 1998 to extremes want to silence this nation's bells? Will he put on record his concern and the fact that he will join me to fight any proposals to silence them? As he rightly said, they have rung out for more than 400 years—since long before the lawnmower.

Sir Stuart Bell: We have certainly ranged far and wide today. It is Royal Ascot day, so it is not surprising that the Chamber is not as full as it might be.

I know that the hon. Gentleman is a great supporter of churches and cathedrals, particularly Hereford cathedral, which recently celebrated the centenary of the dedication of its west front. He makes a potent and pertinent plea for bell ringers, wherever they are. They render a great service and are a great comfort to many of our majority community, which is Christian, when they hear them rung wherever they are. We are keen to keep that situation going.

The Church Buildings Council has produced a code of practice for the conservation and repair of bells, and many local communities give extremely generously towards the upkeep and refurbishment of bells and the enlargement of groups of local ringers.

Chris Bryant (Rhondda) (Lab): I am sure that the bells were ringing loud and clear at Great St. Bartholomew in Smithfield a couple of weeks ago when Rev. Martin

Dudley, who is far from weak-kneed, performed a service to celebrate the civil partnership of two members of his congregation.

Mr. Speaker: Order. That is absolutely not on.

Mr. Philip Hollobone (Kettering) (Con): Around the world, 95 per cent. of the churches whose bells can be change rung—in other words, the order of the bells can be changed—are in England. As the Second Church Estates Commissioner said, it is a peculiarly English tradition. Are the Church Commissioners satisfied that the Department for Culture, Media and Sport is sufficiently appreciative of that fact?

Sir Stuart Bell: Yes. I am grateful to the hon. Gentleman for raising that matter, and we would be happy to draw attention to it again. It should be noted and on record that the Church Commissioners and the Church in general work closely with that Department and remind it of its great duties to the Church as well as to secular society, and its duty to maintain the Church in its thinking. We shall certainly draw the hon. Gentleman's comments to its attention.

PUBLIC ACCOUNTS COMMISSION

The Chairman of the Public Accounts Commission was asked—

Comptroller and Auditor General

3. **David Taylor** (North-West Leicestershire) (Lab/Co-op): When he last met the Comptroller and Auditor General; and what subjects were discussed. [212133]

Mr. Austin Mitchell (Great Grimsby): I have been asked to reply on behalf of the Chairman of the Public Accounts Commission. He last met the Comptroller and Auditor General on 4 March, when the Commission considered the National Audit Office estimates for 2008-09. The issues discussed included the lower rate of increase in the NAO's estimates than in previous years, the appropriate balance between in-house auditing and outsourcing of audit work and the Commission's response to the Tyner review of the NAO's corporate governance.

David Taylor: Sir John Bourn, the previous Comptroller and Auditor General, recently excoriated senior civil servants for what he called their profound incompetence in handling defence programmes, taxation schemes and private finance initiative projects. Can my hon. Friend assure the House that Sir John's successor will ensure that the NAO watchdog, which has so often failed to bark, will sink its teeth into those matters—not least PFI, which is prohibitive in cost, flawed in concept and intolerable in consequence for the taxpayers, citizens and employees in our land?

Mr. Mitchell: My hon. Friend is a most assiduous auditor of the auditors, and he was kind enough to send me Sir John Bourn's remarks, which I shall take the trouble to circulate to the Public Accounts Commission and the Public Accounts Committee. However, I have to remind him that that is the work of the Public Accounts Committee. The Commission audits only the budget to see that the NAO can carry on its work.

Sir John Bourn's reflections were the serious reflections of a distinguished public servant on his life's work at the NAO. The new Comptroller and Auditor General has already taken over the ongoing programme, which includes the audit of public procurement projects by the Ministry of Defence and across Whitehall, for example on food procurement, the use of consultants, IT procurement and, of course, PFI contracts. We have issued several hard-hitting reports on that, and that work will go on. However, I must tell my hon. Friend with a tinge of sadness in my voice that PFI is a Government policy.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Domestic Violence

4. **Anne Moffat** (East Lothian) (Lab): What proposals for changes in prosecution of domestic violence offences there will be as a result of the Crown Prosecution Service's violence against women strategy. [212145]

The Solicitor-General (Vera Baird): The Crown Prosecution Service, after public consultation and extensive work, now has a single, cohesive violence against women strategy, which the Attorney-General will launch on 24 June. That will strengthen the prosecution response to domestic violence, through better co-ordination of guidance, training and performance management, and by supporting CPS work on victim satisfaction.

Anne Moffat: I thank my hon. and learned Friend for that answer. Does she agree, however, that because some women who suffer serious domestic violence feel that less harsh penalties are available if they report the fact that they have been violated domestically, we need far stronger penalties and more prosecutions, to ensure that we give women who suffer from this dreadful thing an incentive to come forward?

The Solicitor-General: I do not know that that is the case, to be honest. The number of prosecutions has increased markedly. In 2005-06, 59.7 per cent. of prosecutions were successful and in the last quarter of last year, 70.1 per cent. were successful. The Sentencing Guidelines Council has done a lot of work on domestic violence. We have got away in the courts from the notion that domestic violence is a softer form of violence, which should be treated more leniently than public violence. In fact, domestic violence is a much graver kind of violence. If one is attacked on the street, one can run home; if one is attacked in one's own home, one has nowhere to go to. I hope that we have got over that hurdle and that people are being sentenced appropriately when they are convicted, as they increasingly are, of such offences.

David Howarth (Cambridge) (LD): Does the Solicitor-General accept that any improvements in the prosecution of domestic violence are being undermined by the long delays experienced in many parts of the country in

sending offenders who have been sentenced on the effective and excellent domestic violence programmes? There are delays of six months in many parts of the country and delays of up to four years in others. That is completely unacceptable.

The Solicitor-General: By no means all domestic violence perpetrators are put on what are called perpetrator programmes—in the United States they are called batterer programmes. Availability varies from one part of the country to another. Delays are unfortunate. However, I am not sure that such programmes are the magic formula or cure that the hon. Gentleman suggests they are. There are other ways in which perpetrators can be brought to understand that their violence simply cannot continue. For instance, there is often a salutary lesson in the fact that when the woman finally complains, the authorities come down forcefully on her side and against the man. However, the hon. Gentleman raises an important point. There must be more of those programmes—the ones that are successful—and he can take it from me that the issue is being looked into.

Sarah McCarthy-Fry (Portsmouth, North) (Lab/Co-op): We obviously need increased support for victims of domestic violence, to enable them to bring the perpetrators to justice, but we also need early intervention, to prevent escalation to serious injury and, in some cases, death. Will my hon. and learned Friend join me in welcoming the recent Select Committee on Home Affairs report, which noted the positive outcomes of the one-stop shop model, of which the family justice centre in Croydon that I visited is an example? The report recommended further evaluation of the model, which I hope—and I hope that my hon. and learned Friend agrees with me—will lead to a one-stop shop centre in every local authority area.

The Solicitor-General: I could not agree with my hon. Friend more. It was very pleasing that the Home Affairs Committee report was positive about the work of the Crown Prosecution Service on domestic violence, as well as on forced marriage and honour crimes. I agree with my hon. Friend entirely. There is an organisation in Middlesbrough, near my constituency, called My Sister's Place, which is a one-stop shop. Domestic violence complainants are now supported by independent domestic violence advisers, who befriend them and stand beside them, right through from the point at which they make a complaint, helping them with public services and the difficulties that can follow making a complaint about domestic violence. For instance, sometimes the children have to move school and sometimes child care stops, perhaps because the in-laws were helping with it. IDVAs, as they are called, can help with all those practicalities. More of that holistic support is vital. However, we already have a large amount in place. That must be a major reason why the conviction rate has got so much higher; few complainants now give up.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): The Solicitor-General was quite right to say that there was a need for more provision for domestic violence treatment courses, if I may describe them in the vernacular. The truth is that two thirds of probation areas report huge delays of up to 12 months in some cases. The hon. and learned Lady has made it clear that we need more provision; will she now lobby her Cabinet colleagues to make that provision?

The Solicitor-General: Yes. It is not so easy simply to roll out perpetrator programmes. First, they have to be properly evaluated and monitored, and they have to be successful, so it is not just a question of getting money and, as it were, doing more automatically. A programme of work is being undertaken to evaluate the programmes, but it is quite difficult to determine how good they are. We have to rely on the victim to say whether the violence has stopped, and, almost by definition, that is historically the person who has been oppressed by the perpetrator of the violence. So there are difficulties involved in ensuring that we do not roll out programmes that are not as effective as they should be. A programme of evaluation is under way, however, and I hope that that will give the hon. Gentleman some reassurance.

Mr. Speaker: I call Katy Clark.

Ms Katy Clark (North Ayrshire and Arran) (Lab): Question No. 7, Mr. Speaker.

Mr. Speaker: I thought that the hon. Lady was standing in order to contribute to this question.

Ms Clark: I would also be very happy to do that.

Mr. Speaker: If the hon. Lady is happy, I am happy.

Ms Clark: As the Solicitor-General will be aware, a key issue is the treatment of victims by the police as well as by the prosecution services. What more can be done to ensure that women feel that their allegations are being taken seriously when they come forward to report them?

The Solicitor-General: A huge amount of work has been done with the police and with the Crown Prosecution Service, and it would be surprising if there were still a prevalent sense that domestic violence was not taken seriously when people come forward to report it. Now that we seem to have got the criminal justice agencies to take this matter seriously and to be immensely supportive, I see the need for earlier identification as the greater problem. We need to start putting a lot more resources into that, so that women—at least 90 per cent. of the people who suffer in this way are women—do not suffer for so long before they decide to come forward. We need to enlist all the public authorities to be watchful for the impact of domestic violence, so that there can be earlier intervention.

Mr. Jonathan Djanogly (Huntingdon) (Con): The CPS strategy document on violence against women states that

"the CPS has had inspections on domestic violence and rape that have highlighted areas for future action".

Will the Minister please update the House on what those areas are and what further action she proposes to take?

The Solicitor-General: Those reports, particularly the ones on rape, were published in 2002, and then again in 2007. The 2002 proposals were very clear, and the CPS

acted on a good number of them. However, in 2007, it was clear that there were still some deficits and that certain matters had not been brought up. I can assure the hon. Gentleman that, since then, there has been a powerful, strong and concentrated programme to ensure that the policies—which the inspectors found to be in the right place and of the right kind at the top of the CPS—were being driven all the way through. There is now a powerful system of monitoring and evaluation of the way in which domestic violence and rape are dealt with in the CPS. I therefore hope that we are now well set for the future.

Cannabis Factories (Child Labour)

5. **Mr. Anthony Steen** (Totnes) (Con): How many prosecutions have been brought against children found working in cannabis factories in the last three years. [212146]

The Solicitor-General: The CPS does not keep data that allow us to identify the number of prosecutions of children found working in cannabis factories; it keeps data on offences. I am, however, aware of one recent case in South Yorkshire in which a young boy was prosecuted for working in a cannabis factory. The CPS has guidance for prosecutors, which advises them that when a youth might have committed an offence involving cannabis cultivation and there is information that they have been trafficked—I assume that that is what the hon. Gentleman is talking about—there is a strong public interest in not prosecuting them at all.

Mr. Steen: May I first compliment the Solicitor-General on her new pixie look? I hope that that is not inappropriate. Will she explain why on 11 June a 15-year-old Vietnamese boy was jailed for the work of tending cannabis plants in Doncaster when he had clearly been trafficked, threatened with violence, kept prisoner and was desperately scared? Are not the Government supposed to be committed to rescuing child victims of trafficking, not sending them to prison and criminalising them?

The Solicitor-General: First, let me respond to the hon. Gentleman's effusive personal compliment to me, which I take in very good heart. I am more frequently likened to a goblin than a pixie, but I am doing my best.

The hon. Gentleman is talking about a case in South Yorkshire. I have received information from the chief Crown prosecutor about it, which I can send to the hon. Gentleman in a letter rather than rehearse the facts of an individual case here. Will it suffice for the time being for me to say that it was literally only in mitigation of sentence in the court that the issue of trafficking was raised? The young man was arrested; he was interviewed; he had a solicitor and an appropriate adult—but the issue of trafficking was never raised. The solicitor did not appear to have taken it into account, although she accepted that she was aware that the Crown Prosecution Service would probably not prosecute if there were any evidence of trafficking. If this young man was, in the end, trafficked—there are, of course, lots of Vietnamese families in the UK, so not all Vietnamese young people are trafficked victims—it was clearly not brought to anyone's notice until the very last time. The magistrate does not seem to have referred in his sentencing to the question whether he was trafficked, but if there is something more to be said, there is still time for an appeal.

WOMEN AND EQUALITY

The Minister for Women and Equality was asked—

Lap-Dancing Clubs (Licensing)

10. **Lynda Waltho** (Stourbridge) (Lab): What recent representations she has received on the application of the gender equality duty to the licensing of lap-dancing clubs by local authorities. [212136]

The Minister for Women and Equality (Ms Harriet Harman): Representations on lap-dancing clubs have been made, among other ways, through my hon. Friend's early-day motion and again yesterday through the private Member's Bill introduced by my hon. Friend the Member for City of Durham (Dr. Blackman-Woods).

Lynda Waltho: I know that my right hon. and learned Friend is aware of the concern about this issue up and down the country, demonstrated not least by yesterday's support for the private Member's Bill. Does she not agree that it is absolutely ridiculous in this day and age that one can object to a neighbour building a porch, but cannot object to a lap-dancing club opening up 200yd up the road? Will she further commit to steering this issue through to a successful conclusion so that we are not subjected to an endless game of ping-pong between the Department for Culture, Media and Sport and the Home Office, which I greatly fear?

Ms Harman: I make that commitment to my hon. Friend, many other hon. Friends and all Members who have raised this issue. The important point is that local communities and local authorities need to know that the law is there to back them up. If the local community and the local authority think that it is inappropriate for a lap-dancing club to be opened in a particular area, the law should be there to back them up, but it is evident that that is not the position currently. My hon. Friend the Member for City of Durham said that it was important to make commitments not just to consult, but to act. I can give the House that commitment today.

Gender Pay Gap

11. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent steps the Government have taken to reduce the gender pay gap. [212137]

The Minister for Equality (Barbara Follett): The Government are committed to reducing the gender pay gap, which has been brought down from 17.4 per cent. to 12.6 per cent. in the past decade. We have introduced other supportive measures, including increased maternity pay, improved access to child care and Britain's first ever minimum wage. We have also introduced the right to request flexible working and will announce further measures shortly in the Equality Bill.

Mr. Cunningham: I thank my hon. Friend for that answer, but can she say what part gender stereotypes play in the pay gap, and what she intends to do about it?

Barbara Follett: Gender stereotyping leads to occupational segregation. That is crucial in addressing the gender pay gap, and particularly true the older the person or the woman in the work force. Women can be deterred by the lack of part-time and flexible working in male-dominated occupations, as well as by poor information and social stereotypes. That is clear when we realise that the gender pay gap is 20 per cent. in the City and in private businesses as opposed to 10.4 per cent. in public ones.

The Government have taken a range of actions to address that, including the introduction and extension of the right to request flexible working, new support for teachers teaching careers and a series of proposed initiatives including targeted funding to encourage young people to consider atypical career choices when applying for apprenticeships.

Lynne Featherstone (Hornsey and Wood Green) (LD): Does the Minister share my concern about reports that Nottingham city council is reducing the wages of 1,400 of its employees to achieve equal pay, rather than increasing the salary of the women? Should not equal pay mean levelling up, not levelling down?

Barbara Follett: Obviously it should, but local authorities are responsible for addressing their equal pay issues and we recognise that that is a difficult and costly pressure for many of them. However, I am glad to say that progress is being made. The latest figures show that 47 per cent. of councils have either implemented or completed their pay reviews with only 3 per cent. yet to start them.

Last year, the Government issued £500 million-worth of capitalisation directions to 46 local authorities, allowing them to borrow against the cost of back pay arising from equal pay deals, thus spreading the load of this one-off cost over a number of years. Councils can also apply for that borrowing facility in the current year.

Mr. David Chaytor (Bury, North) (Lab): One of the most resistant councils in respect of equal pay claims would appear to be Bury under its new Conservative leadership. For more than a year, Bury council has refused to negotiate with Unison, and has prevaricated, delayed and rejected the Government's offer of capitalisation. There is no progress. Will the Minister speak to her Department for Communities and Local Government colleagues to put some pressure on Bury council to move forward on the issue, because it is completely unfair that low-paid women workers in my constituency should have to wait any longer to get their just desserts?

Barbara Follett: I commend my hon. Friend on his championing of those low-paid women in his constituency and I will discuss the matter with DCLG colleagues, but, as I said, pay is a matter for local authorities and the decision is theirs.

Alternatives to Imprisonment

12. **Dr. Roberta Blackman-Woods** (City of Durham) (Lab): What recent discussions she has had with ministerial colleagues on alternatives to imprisonment for women. [212138]

Barbara Follett: The Government are fully committed to reducing the number of women in prison. I have had regular discussions with ministerial colleagues on that matter and the Government have agreed to promote community orders as an alternative to custody, in response to Baroness Corston's recommendations on women offenders.

Dr. Blackman-Woods: I thank my hon. Friend for that reply. She will know that the Corston report talks about the need to inform sentencers of the need for alternatives to custody. What is being done specifically to make non-custodial sentences a reality so that the women who end up in Low Newton prison in my constituency get the support that they need in the community to direct them from crime in the first place?

Barbara Follett: First, I commend my hon. Friend on the work that she is doing in this particularly difficult area. She is quite right: we need to ensure that more women, who often get sentences for relatively minor offences, are dealt with in the community.

To that end, the Government are considering how we can promote a sentence package that targets offenders who might otherwise have received a custodial sentence with an intensive community order using the Criminal Justice Act 2003 and making use of the mix of requirements available to the courts. I am glad to say that a pilot project is under way in the Derbyshire area to promote such a community order and I look forward to hearing the results.

James Duddridge (Rochford and Southend, East) (Con): How many women's prisons have been closed and converted to mixed asylum centres, a process that has effectively forced the Government's hand on the issue of finding a viable alternative?

Barbara Follett: I am afraid that I do not have the information at my fingertips, although I do know that 4,000 of the 82,000 people who are currently in prison in the United Kingdom are women. I will, however, write to the hon. Gentleman with the answer to his question.

Domestic Violence

13. **Hugh Bayley** (City of York) (Lab): What progress the Government have made in tackling violence against women. [212139]

Barbara Follett: My Department's report "Tackling Violence Against Women: A Cross-Government Narrative" provides a detailed summary of the progress made in this vitally important area. The Government have introduced a number of measures, including a dedicated forced marriages unit and specialist domestic violence courts. As a result of those and other measures, the number of successful prosecutions for both domestic violence and rape has increased since 2003.

Hugh Bayley: I congratulate the Government on bringing more such cases to court. Provision of domestic violence outreach services is excellent in some parts of the country, but funding is patchy. Outreach can prevent violence from escalating to a point at which women, children

and occasionally men are forced out of the family home and into refuges. What can the Government do to extend its provision?

Barbara Follett: The Government are considering many ways of extending outreach provision for domestic violence victims, and for women who are victims of sexual violence. We have already done so through, for instance, rape crisis centres and sexual assault referral centres, which are making great progress at present, and we hope to do more soon on the domestic violence front.

Mr. Brooks Newmark (Braintree) (Con): A letter that I received from the Under-Secretary of State for Justice, the hon. Member for Lewisham, East (Bridget Prentice), acknowledges that the number of domestic violence victims has risen by 12 per cent. in the past year, from 594,000 to 664,00. She attributes the increase to better reporting, but it is quite a large increase. How much of it does the Minister think can be attributed to the 24-hour drinking that takes place nowadays?

Barbara Follett: The incidence of reporting has certainly increased. I think that women now feel more confident about coming forward, and that there are better systems to protect them. I cannot speculate on how much the increase in the number of reported cases is due to drinking, although I am sure that Ministers at the Department for Culture, Media and Sport will look into the possibility.

Mrs. Theresa May (Maidenhead) (Con): A range of issues are covered by the issue of violence against women. The Government estimate that about 20,000 girls in this country are at risk of genital mutilation, yet they have no national strategy. They have issued no guidance to the police on the issue since 2004, and there has not been a single prosecution under the Female Genital Mutilation Act 2003. I am sure the Minister agrees that that is not acceptable. What is she going to do about it?

Barbara Follett: It is certainly not acceptable. As the right hon. Lady will know, I have spent a good deal of my life in Africa, and I have seen the results of female genital mutilation both in that continent and in this country. It is something that I abhor. I take the right hon. Lady's point about the need for a strategy, and we shall be presenting one later this year.

People Trafficking

14. **Mr. Anthony Steen** (Totnes) (Con): What further steps the Government plan to take to assist women who have been trafficked. [212140]

Barbara Follett: The Government will build on the positive measures that we have already taken as a result of acceleration of our plans to ratify the Council of Europe convention on action against trafficking in human beings. More than 322 women have been supported by the POPPY project since March 2003.

Mr. Steen: The worst thing for a young woman who has been trafficked is to feel that no one cares anything about her, her welfare or her future. Does the Minister agree that it is essential for us to give such women identity papers, as set out in the Council of Europe convention, which the Government have signed but still not ratified? Women experience a sense of belonging and security if they have identity papers. Given that it is not necessary to wait for ratification to provide them; what is preventing the Government from getting a move on?

Barbara Follett: As always, the hon. Gentleman has brought a new slant to a problem on which he has done a great deal of work. We are speeding up our ratification of the convention, and doing as much as we can to move it along. I will raise his point with Home Office Ministers.

Stephen Hesford (Wirral, West) (Lab): May I bring to the attention of the House my early-day motion 1755 on the Women Leaders Council, a new international body for women only put together to combat the crime of human trafficking? Will the Government do all they can to liaise with the new council to prosecute and eradicate human trafficking?

Barbara Follett: I commend my hon. Friend on the EDM and I particularly commend the work of the Women Leaders Council. Some will have seen the imaginative installation by Emma Thompson in Trafalgar square to publicise it. We need imaginative things such as that, but we also need hard work on human trafficking. Straight after these questions, I and the Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker), and my hon. and learned Friend the Solicitor-General, will be going to Holland to explore what is being done there on human trafficking, on which, frankly, much more needs to be done.

Carers

15. **Lyn Brown** (West Ham) (Lab): What recent discussions she has had with ministerial colleagues on support for women who are carers. [212141]

Barbara Follett: The Prime Minister launched the revised National Carers Strategy on 10 June, which set out a £255 million package of support for carers. Throughout the development of the strategy, I had discussions with ministerial colleagues about support for women carers.

Lyn Brown: Research by USDAW has shown that working carers are not aware of their right to request flexible working. What will the Government do to advertise more widely that right to make it easier for carers in the workplace?

Barbara Follett: My hon. Friend is quite right. The research into the knowledge of the right to request flexible working provides some discouraging figures. I have had talks with colleagues in the Department for Business, Enterprise and Regulatory Reform about how we can advertise this. We intend to come forward with a programme.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission was asked—

Tap Water

17. **Mr. John Spellar** (Warley) (Lab): If the Commission will review the recommendation of the Administration Committee not to provide tap water at meetings held in the House. [212152]

Nick Harvey (North Devon): The Commission relies on the advice given by the Administration Committee in matters of this sort and normally proceeds on the basis of a report from the Committee. I would urge the right hon. Gentleman to seek to persuade the Committee to change its advice on this matter.

Mr. Spellar: Is not the hon. Gentleman getting rather embarrassed at continuing to defend this issue when we know that bottled water is hugely environmentally unfriendly? Following my campaign, many Departments have significantly reduced their use of bottled water. Following the *Evening Standard* campaign, many restaurants in London are providing tables with tap water. When MPs are lecturing the public about reducing waste, and are even imposing fines on people for putting more waste into their bins, is it right for the House of Commons resolutely to refuse to take the issue on board and to save the environment while saving some money?

Nick Harvey: The right hon. Gentleman knows from discussions that we have had on the matter that I have a great deal of sympathy with what he is saying. We have asked officials of the House to keep in touch with officials from the House of Lords who are investigating the possibility of an on-site watering facility—*[Interruption.]* I mean a bottling facility; there are plenty of on-site watering facilities. The right hon. Gentleman and those who agree with him must continue to put pressure on the Administration Committee, which looked at the issue recently. I am not sure how scientific its study was. It is essential that the Committee looks at it again.

Mr. Andrew Mackay (Bracknell) (Con): With the greatest respect, that is rather complacent. Nobody in their right mind in the real world wastes money on bottled water. Chateau Thames water is perfectly acceptable. It is about time that we did not waste money in this House. It brings us into disrepute and the sooner we have ordinary tap water, the better. Why do not we just get on with it?

Nick Harvey: I will communicate the right hon. Gentleman's views to the Administration Committee, but I would urge him to do so as well.

Staff Pension Scheme

18. **Hugh Bayley** (City of York) (Lab): If the Commission will examine the financial implications of extending the House of Commons staff pension scheme to staff of hon. Members. [212153]

Nick Harvey: The employees of Members of Parliament are not employees of this House. It would therefore not be possible in a technical sense for them to be part of this scheme, which is run by the House for its employees. The contracts of MPs' staff specify that they are part of the Portcullis pension plan, which means that a contribution equivalent to 10 per cent. of their gross salary is paid by the House to one or more stakeholder pension providers.

Hugh Bayley: None of us could do our jobs as Members of Parliament without the professional support of Clerks, Librarians and the other staff of the House, but, equally, none of us could do our jobs without the support of our staff, in our constituency offices and here in Westminster. It is outrageous that Members and the staff of the House belong to good public sector final salary pension schemes, but other public servants, who serve the public for years, end up on the Portcullis plan and face retirement on a fraction of the incomes of House staff. Will the House of Commons Commission examine this problem and do something about it?

Nick Harvey: The 10 per cent. employer contribution is about average for similar schemes run by large employers. The current arrangements have been in place for five years, but if the hon. Gentleman feels that the time is right to review the scheme, he should, in the first instance, approach the Advisory Panel on Members' Allowances to suggest a review of the scheme.

LEADER OF THE HOUSE

The Leader of the House was asked—

Topical Debates

19. **Sir Nicholas Winterton** (Macclesfield) (Con): When she expects to complete the review of the procedures for selection of the subject matter for topical debates. [212155]

The Leader of the House of Commons (Ms Harriet Harman): The results of the review on topical debates will be published to the House before the summer recess. That will help to inform any decision of the House on whether to make permanent the Standing Orders that introduced topical debates on an experimental basis for the 2007-08 Session, and whether any changes to the Standing Orders may be necessary.

Sir Nicholas Winterton: I am grateful to the right hon. and learned Lady for that helpful and informative reply. Does she not believe that the House as a whole should have more of a say, in a transparent way, in the selection of the subject for the topical debate? At the moment, the decision lies exclusively with her and the Government. Should it not involve a small committee representing parties across the House, so that the debates are genuinely topical and supported by a majority of the House?

Ms Harman: The decision on the choice for the topical debate rests with me, as Leader of the House, because that is what the House decided, by way of resolution, should be the system for picking the topical

debate. That arrangement is subject to review, because, as I have said, it was introduced on an experimental basis. In order to increase transparency and at the request of a number of hon. Members, including the hon. Gentleman, we have introduced greater transparency even ahead of the review's findings, publishing a list of the requests that have been made to me as Leader of the House. I remind the House that I am at pains to ensure that I approach this as business of the House, even though it is Government time. For example, a request was made to me at last week's business questions for a debate on eco-towns, and that is exactly what we will be debating as the subject of this afternoon's topical debate.

David Taylor (North-West Leicestershire) (Lab/Co-op): Debating time in the House's two Chambers is in short supply, and the initiative of topical debates has been a useful way of widening the range of debates and increasing the number of people who contribute. On the related area of the 90-minute debates in Westminster Hall, could we examine ways of making those a more effective weapon in this place? Far too often, people who have bid for debates, which are granted by Mr. Speaker in good faith, come along with no one else to speak to the matter in hand, and that cannot be the most effective use of Westminster Hall time.

Ms Harman: Westminster Hall debates, be they on Select Committee matters, at the initiative of private Members or Government-sponsored debates, have proved a useful additional debating forum for hon. Members to raise issues of concern, but I think that we could further consider the use of Westminster Hall—for example, it is not used on Mondays. I shall take my hon. Friend's question as a prompt for further consideration and report back to the House on how that might be undertaken.

Philip Davies (Shipley) (Con): The Leader of the House said that she would treat this as a House matter, but can she tell us how many times the subject for the topical debate has happened to be the subject about which the Prime Minister has made a speech earlier in the week?

Ms Harman: Well, I have not got the actual list, but I can assure the hon. Gentleman that I follow the Standing Orders, and the letter and spirit of the resolution, and consider whether the debate is topical; whether it is an issue of concern or national importance; and whether there have been other opportunities to debate the issue in the House. The questions that have been the subject of topical debates come from both sides of the House. Sometimes they coincide with an issue on which the Prime Minister has put forward a proposal, but they often do not.

Sir George Young (North-West Hampshire) (Con): On what basis does the Leader of the House, under the current procedures, decide on some Mondays that life is so uneventful that we do not need a topical debate at all?

Ms Harman: I do not decide not to have a topical debate because life is uneventful. It is a question of what other business we might have that the House wants to debate. For example, on 3 July, the Foreign Secretary will lead a debate on Zimbabwe and we will also debate Members' allowances. Sometimes I take the view that issues of concern need a full day for debate, and that should be the priority for the House. It is not that there is no issue of topicality that the House might want to debate, but that on that day there is another issue that we will want to spend the whole day debating. If there is any particular Thursday that the right hon. Gentleman wishes to raise, because he thinks that we should have had a topical debate but did not, he should do so.

I should point out that there is a dearth of proposals for topical debates. I would not want anyone to get the impression that there is a vast number of topical debate requests that I ignore in favour of a topic chosen by the Prime Minister—*[Interruption.]* Well, that is absolutely not the case. Hon. Members are being cynical, but instead of their snorting cynicism, they should make some proposals for topical debates.

Programme Motions

20. **Mr. Peter Bone** (Wellingborough) (Con): If she will bring forward proposals to amend Standing Orders to provide for debate on all programme motions. [212156]

The Deputy Leader of the House of Commons (Helen Goodman): We have no plans to bring forward motions to amend the present programming arrangements in that respect; they already allow for most such motions to be debated directly or, subject to the Chair, to be brought into debate on related business.

Mr. Bone: With due respect to the Deputy Leader of the House, I do not think that that is quite correct. We cannot debate Second Reading programme motions: they have to be put forthwith. I am surprised that the Leader of the House has not corrected her earlier statement when she promised to look into this matter. Would it not be better if these horrible programme motions—if we have to have them at all—were handled by a business Committee of this House, rather than the usual channels?

Helen Goodman: The hon. Gentleman is right that the Standing Order indicates that the question on the programme motion should be put forthwith, but that does not mean that it cannot be debated. It can be debated as part of the Second Reading debate, with the agreement of the Chair. I am grateful to him for motivating me to consider the way in which the Order Paper is drafted. As he knows, at the moment the programme motion, which usually follows the Second Reading motion on the Order Paper, says that there will be no debate on it. It might be clearer if it stated "No further debate." If the House would prefer that, we could raise it with the House authorities. It might be a more helpful way to set the issues out on the Order Paper.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): On Report on the Counter-Terrorism Bill, Members had only three hours to discuss 16 new clauses and dozens of new amendments. With the Planning Bill, 218 new amendments were tabled at a very late stage. Late amendments were also tabled for the Criminal

Justice and Immigration Bill, meaning that they could not be debated. When will the Leader of the House provide proper time for Members to discuss vital issues?

Helen Goodman: I do not accept the hon. Gentleman's proposition that proper time is not being given. I want to give him some other facts that will demonstrate how flexible we are and how we take account of the needs of the House to debate particular matters. Let us take as an example the European Union (Amendment) Bill. We spent a whole day discussing a motion—it was not a programme motion, but a motion on how the House would handle the Bill—and agreed how we would handle it. Let us take Finance Bills. They are not programmed at all. Let us take the Human Fertilisation and Embryology Bill. It spent two days before the Committee of the whole House, as was agreed in a programme motion on Second Reading. Let us take, as the hon. Gentleman does, the Counter-Terrorism Bill. We had two days on Report and the programme motion was debated for 45 minutes at the beginning of that stage. Let us take the Banking (Special Provisions) Bill, where we had an allocation—*[Interruption.]*

Mr. Speaker: Order. Perhaps the hon. Lady can write to the hon. Gentleman.

Simon Hughes (North Southwark and Bermondsey) (LD): The Leader of the House and her deputy are being far too defensive. They might be the Opposition in two years' time, not the Government. As the Leader of the House said to me a few weeks ago, there is a very good case for ensuring that Government amendments and new clauses receive extra time on Report, because otherwise they eat into time that is meant not for the Government but for the rest of the House of Commons so that we can ask questions.

Can we look again at programme motions? If this place is meant to hold the Executive to account, one of the best ways that we can do it is by delaying Government business. If they take away that weapon, the Deputy Leader of the House and the Leader of the House might live to regret it as much as others do now.

Helen Goodman: The hon. Gentleman, as ever, puts his case most persuasively. Of course, it is right that on Report hon. Members should have a proper opportunity to discuss all the issues. In particular, Back-Bench Members should have their share of the time. I would, however, like to point out that, following the introduction of programme motions, there has been a declining trend in the number of groups of amendments that have not been reached. Of course, we always keep these matters under review.

Business of the House

11.33 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Ms Harriet Harman): The business for next week will be as follows:

MONDAY 23 JUNE—Consideration of Lords amendments to the Sale of Student Loans Bill, followed by a motion to approve the draft Terrorism Act 2006 (Disapplication of Section 25) Order 2008, followed by a motion to approve the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2008.

TUESDAY 24 JUNE—Opposition day [15th allotted day]. There will be a debate entitled "Cost of Living", followed by a debate on the 60th anniversary of the NHS. Both debates will arise on an Opposition motion.

WEDNESDAY 25 JUNE—Conclusion of remaining stages of the Planning Bill.

THURSDAY 26 JUNE—A general debate on the draft Legislative Programme.

FRIDAY 27 JUNE—The House will not be sitting.

The provisional business for the week commencing 30 June will include:

MONDAY 30 JUNE—Opposition day [16th allotted day]. There will be a debate on an Opposition motion, subject to be announced.

TUESDAY 1 JULY—The House will be asked to approve Ways and Means resolutions on the Finance Bill, followed by remaining stages of the Finance Bill—day 1.

WEDNESDAY 2 JULY—Conclusion of remaining stages of the Finance Bill.

THURSDAY 3 JULY—Topical debate on Zimbabwe followed by motions relating to MPs' pay and allowances.

FRIDAY 4 JULY—The House will not be sitting.

Mrs. May: I thank the right hon. and learned Lady for giving us the forthcoming business. As she has just announced, on 3 July we are scheduled to have a topical debate on Zimbabwe, but does she not think that the situation there is so serious that we should have not a one and a half hour debate but a full debate on the subject, in Government time? She announced that on 3 July we will also have two other debates—one on the Baker review on Members' pay, and the other on the Members Estimate Committee review of allowances—but we will have only four hours for them. Will she at least guarantee that on that day there will be no ministerial oral statements to eat further into the time available for debate?

On 5 July we celebrate the 60th anniversary of the NHS, so may we have a debate before the summer recess on the NHS? Not only are a quarter of NHS trusts in England failing to meet at least one of the Government's standards on hygiene, but babies are being turned away from hospitals owing to a lack of cots and specialist staff. That comes at a time when the Government are closing maternity units across the country, so may we have a debate on NHS priorities?

In the past week, there have been five separate security breaches, with Government documents and computers containing highly sensitive information being left on trains and stolen from offices. There have been clear breaches of security rules. That follows the Government's loss of the personal details of 25 million people last autumn. Clearly, there is a culture of carelessness at the heart of this Government. Last December, the Minister for the Cabinet Office told the House that a report would be published this spring on the procedure for and storage of sensitive data, yet we have heard nothing. Will the right hon. and learned Lady ensure that the report is published before the summer recess, and that Members will have the opportunity to challenge Ministers in this House and to ensure that data security is improved?

The Casey report, commissioned by the Prime Minister, calls for a revolution in the treatment of victims of crime, and claims that the criminal justice system is patronising in its attitude to the public. That comes on top of Sir Ian Blair saying that there is "almost no public faith" in crime figures in the UK, that Government police targets should be scrapped, and that there should be a return to common-sense policing. Crime levels are of grave concern to us all, so can we have a debate on approaches to policing and crime prevention?

Finally, there will be an Opposition day debate on the cost of living next week. We face rising mortgage costs, growing unemployment, soaring prices for fuel, electricity, gas and food, and the prospect of higher interest rates. It is no good telling people that those are global issues and nothing to do with this Government. The Government have no room for manoeuvre because they failed to put money aside in the good times. Will the right hon. and learned Lady ensure that, before that Opposition day debate, the Chancellor of the Exchequer makes a full, clear statement showing that the Government are finally willing to take responsibility for their actions?

Ms Harman: The right hon. Lady raised the subject of the terrible situation in Zimbabwe, which I know is of concern to all Members. Indeed, the subject was raised in Prime Minister's questions yesterday. She will be aware that I have announced there is to be a topical debate on the issue, which the Foreign Secretary will lead. In addition, we will have Foreign Office questions, including topical questions, next Tuesday, so there will be an opportunity for hon. Members to raise points on that occasion.

The right hon. Lady mentioned the Baker review and allowances. Those issues will be debated, and the House will have an opportunity to decide on them on 3 July. She asked for a debate on the national health service; as she will know, her party has an Opposition day debate on the NHS next week, so no doubt she can raise any points that she wants to make then. In that debate, the Government will no doubt set out how we have made unprecedented investment in the national health service, providing more doctors and nurses and shorter waiting lists, and how we will continue to improve the provision of health care.

The right hon. Lady asked us to focus on procedures for the storage of sensitive data. She will know that the Chancellor of the Duchy of Lancaster made a statement on the issue last Thursday. We keep the House up to date with information of that nature, and the report will be forthcoming.

The right hon. Lady mentioned crime levels and whether there would be an opportunity to debate them. Perhaps I can take this opportunity to thank Louise

[Ms Harman]

Casey for her thoughtful and helpful report. The right hon. Lady will no doubt acknowledge that crime levels have been falling, but there is concern about serious and organised crime, particularly about gang crime among young people, and that is why, on the Thursday before last or last Thursday, we arranged a topical debate on knife crime.

The right hon. Lady asked for a debate about the cost of living, but she herself has scheduled an Opposition day debate about it. We are pointing out to the House that the increases in the cost of petrol, gas, electricity and food, which are putting a great deal of pressure on family finances, come from world issues—global issues. But we have to make absolutely sure, and we will, that this country has a path through those difficult economic circumstances that have arisen internationally, and that, as we respond to the short-term problems, we do not create longer-term problems. We understand the pressures that people are under, and we are taking action nationally and internationally to ensure that this country can weather the economic storm.

Mr. Dennis Skinner (Bolsover) (Lab): Does my right hon. and learned Friend agree that in the coalfields in particular there has been investment during the good times, and that we could usefully have a debate on the subject? In the past 10 years, every single pit tip has been flattened, and instead of those pit tips we have factories on the sites. Unemployment in Bolsover is now 10 per cent. below the national average. We have been investing in the good times to provide for the bad times. That is why on Friday I will be opening what is commonly known as Skinner's junction on the M1 to provide another 5,000 jobs: investment in the good times producing jobs in the bad times.

Ms Harman: My hon. Friend is absolutely right. It is because of the investment in our people in this country—in their skills, in our industry, particularly in science, and in infrastructure, including public transport—that our economy is in a good position to weather the difficult storm. It might well be that the Opposition think that was not a worthwhile investment. I should like to hear from any of them who think that it was not worth investing in their local school, in their local transport infrastructure and in their local industries. That is what we have been doing over the past 10 years, and that is why we can be confident that, in difficult times, the economy will be strong enough to find a way forward.

Simon Hughes (North Southwark and Bermondsey) (LD): Obviously, we are pleased that next week there will be a half-day debate on the cost of living, but given that yesterday my right hon. Friend the Member for Sheffield, Hallam (Mr. Clegg) asked about the mismatch between oil companies' huge profits—windfalls of £9 billion—and the fact that people on the lowest incomes are having to pay higher prices for their energy than other people are, may we have a debate specifically on the energy and power companies, their profits and their social responsibility? Out there, in the real world, the public think that some people are making a huge profit while others struggle to pay the weekly bills.

It is good that the Leader of the House has announced that we will have a debate on Zimbabwe at an early opportunity. I join those who say that we should have enough time for the full contributions from across the House that I am sure that subject needs. May we also have in the near future a debate on the opportunity that there now is for some progress to be made in Palestine and Gaza, given the ceasefire that has been announced today?

On Tuesday, the Government's Defence and Security Organisation announced that for the first time ever the United Kingdom has become the world's largest arms exporter. Given that in the recent past there have been some difficulties, to put it gently, to do with arms sales such as the ones between BAe Systems and Saudi Arabia, and if we are going to be the people who lead in this industry, may we have an early debate on the ethics and responsibility of the arms trade around the world, where far too much business ends up with arms going into the wrong hands?

This week there was a significant report by the King's Fund saying that the cost of treating people with dementia is likely to double over the next 20 years. That is an issue of concern that is often raised around the House. May we have a debate on how we are going to care for and pay for the care of those with dementia or Alzheimer's and the adult mentally infirm?

Yesterday there was a very important announcement by the Law Lords—I expect that the Leader of the House has seen it—that a murder conviction was quashed because it is wrong to give anonymity to witnesses other than in cases relating to children and in rape cases. Could the Justice Secretary come to the House and seek a way forward, with consensus on both sides of the House, as to how very nasty people can be convicted and the convictions upheld, if necessary by changing the rules to give more anonymity to witnesses so that crimes can be dealt with and the innocent and the victims supported?

Ms Harman: The hon. Gentleman raised a question that concerns everybody: the increase in fuel prices. He will know that the Business, Enterprise and Regulatory Reform Committee has been looking into the operation of energy companies and energy prices. He will also bear in mind the fact that we have already taken action through the winter fuel payments to protect pensioners, through tax credits to help low-income families, particularly those with children, and through an insulation programme. My right hon. Friends the Chancellor and the Secretary of State for Business, Enterprise and Regulatory Reform are keeping a very clear focus on ensuring that the fuel and energy companies are competitive and play their part in these difficult times. The hon. Gentleman will know that the Prime Minister is going to Saudi Arabia to discuss oil supply. There will be an opportunity for Members who want to raise these issues to do so next week in the debates on the Finance Bill.

The hon. Gentleman referred to the opportunity that might present itself for much greater peace and a more hopeful future as between Israel and Palestine. I should like to thank Tony Blair for his work on this, which has been very important in the international process. Hon. Members will be aware that he gave evidence to the Foreign Affairs Committee, which is looking into the issue.

The hon. Gentleman asked about arms trading. There is a debate on defence procurement later today.

The hon. Gentleman also asked an important question about dementia. There is a written ministerial statement

by the Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis), on the development of a national dementia strategy. This is a subject of great concern, given that the number of people aged over 85 is set to double over the next 20 years. There has been increased investment in the national health service and in social care, but we need to look at the trends and ensure that we prepare for them. As well as focusing on health and social services, one important element that we will not lose sight of is how we support families as they care for older relatives.

The hon. Gentleman raised the important matter of the House of Lords judgment cutting back on anonymity for witnesses. We will consider that judgment. However, we are absolutely clear that we must ensure that offenders are brought to justice and that this is not such an ordeal for victims and witnesses that they dare not step forward. Should legislation be necessary, there will be an opportunity to bring forward measures in the law reform, victims and witnesses Bill that is to be included in the Queen's Speech. The draft legislative programme will be debated next Thursday.

Barry Gardiner (Brent, North) (Lab): After the death of 10 women in Northwick Park hospital in my constituency through complications in childbirth, the maternity unit there was put into special measures. It came out of special measures in September last year, but since those original 10 deaths three more women have died in that unit from childbirth complications. Does my right hon. and learned Friend share my absolute incredulity that the chair of the hospital trust is still refusing to hold an independent inquiry into the matter, and will she ensure that time is made available for Members to discuss it in this House?

Ms Harman: Without waiting for the opportunity to debate it, I shall raise with the Secretary of State for Health the points that my hon. Friend has made. There will be an opportunity to raise the issue on the Floor of the House in the debate next Tuesday. Fewer women now die in childbirth and fewer babies die when they are born, but we have to be determined that every single maternity unit lives up to the standards of the best. I know that is what my hon. Friend is determined to see for his constituents and his local hospital.

Mr. Henry Bellingham (North-West Norfolk) (Con): May we have a debate on domestic violence? Is the Leader of the House aware that section 12 of the Domestic Violence, Crime and Victims Act 2004, which brought in restraining orders to protect partners from abuse, has not been implemented? Is it true that Baroness Thornton, a Minister in another place, has now admitted that that delay in implementation is due entirely to pressure on prison places? Is it not a disgrace that spouse beaters are avoiding jail because of the prisons crisis?

Ms Harman: It is not the case that wife beaters or men involved in domestic violence are avoiding prison because of the increase in the prison population. It is important that the courts know that every offender who is convicted of a serious violent offence, such as domestic violence, will be sent to prison where appropriate. The hon. Gentleman mentions section 12, which I agree should be implemented as soon as possible.

Mr. David Chaytor (Bury, North) (Lab): The price of oil is the single biggest factor underlying all the current global economic difficulties. Although increasing the supply of oil may give some temporary relief, in the long term the problem is that supply is running out. We know that we have passed the peak of production of UK oil, and many petroleum geologists now believe that we are approaching the peak of global production of oil. May we have a debate about peak oil? Would that not give us the opportunity to consider what happened during the boom years of North sea oil, when the Conservatives were in control, and what they did with the money? Did they put it aside, or did they use it to—

Mr. Speaker: Order. That is not about the business of the House.

Ms Harman: I can tell my hon. Friend that the North sea oil revenues were spent on unemployment benefit because of the vast number of people who were unemployed instead of earning a living and paying taxes. Because of the terrible toll of unemployment, North sea oil revenues went straight out of the North sea and into unemployment benefit. That is why we put full employment right at the top of our agenda. My hon. Friend made an important point about the price of oil, which affects not only family budgets but business budgets. It is important that we develop more public transport to assist people, that we have more renewable energy supplies, and that we have more insulation. We have to ensure that fuel is affordable, but for the long term we must look at alternatives.

Mr. David Heath (Somerton and Frome) (LD): I used to ask almost weekly for a debate on post office closures. It is now too late for my constituency, where nine post offices are to be closed irrespective of the views and needs of local communities. May we have a debate on the award of the Post Office card account contract? The National Federation of SubPostmasters estimates that if that contract is awarded to anyone other than the Post Office, a further 3,000 post offices may close, to the great detriment of our communities and our constituents.

Ms Harman: The hon. Gentleman will be able to raise that matter in oral questions to the Secretary of State for Work and Pensions, or he might consider a debate in Westminster Hall. I know that a number of hon. Members may want to join him in that.

Mr. Chris Mullin (Sunderland, South) (Lab): Will my right hon. and learned Friend consider finding time for a debate on the impact of the Rating (Empty Properties) Act 2007, which threatens to put a considerable number of my constituents out of work, and about which, I am sorry to say, Ministers appear to be in denial at the moment?

Ms Harman: I shall raise my hon. Friend's point with the Secretary of State for Communities and Local Government.

Sir George Young (North-West Hampshire) (Con): If, as seems inevitable, the other place amends the Government's Counter-Terrorism Bill, can the right hon. and learned Lady say when the Bill will return to this House? Will she guarantee that there will be adequate time to debate any amendments, and can she say whether the Treasury will be able to afford another Government win?

Ms Harman: As the right hon. Gentleman knows, debates in the other place are not programmed: it is simply a question of when the other place concludes its debates on the matter. The Bill will then follow the usual course of events. It is important for this House to ensure that, against a mounting threat of terrorism, we have the right laws for the police and courts to apply, and that we have the right safeguards for civil liberties. I would like to take this opportunity to pay tribute to the police and the prosecutors who, week in, week out, protect us by prosecuting serious terrorist offences in courts, and whose achievement in doing so is considerable.

Gwyn Prosser (Dover) (Lab): My right hon. and learned Friend will be aware of the difficulties caused by academic selection to non-grammar schools in places such as Kent, and I know that she shares my support for the Government's national challenge. However, is she aware of the damage done to the 638 schools that were named and shamed last week, three of which were in my constituency of Dover, in the Deal area? Will she consider scheduling a debate on this important issue?

Ms Harman: The purpose of the national challenge, which the Secretary of State for Children, Schools and Families set out, is to make absolutely sure that every child has the best opportunities in their education, every day they go to school. The intention is not to demoralise staff or to stigmatise schools, but to make absolutely sure that every school is a good school. Given that children spend only one period of time at school, we cannot afford to allow a situation to develop whereby they are not getting the best education each day they are there.

Mr. Christopher Chope (Christchurch) (Con): Does the right hon. and learned Lady agree with paragraph 66 of the report of Sir John Baker on pay and allowances, which says that there needs to be

"a clear distinction between salary and reimbursement of expenses"?

To that end, would she facilitate such a distinction by ensuring that we have two separate debates on salary and expenses on 3 July?

Ms Harman: The hon. Gentleman is absolutely right. I will take up his proposal, and we will have separate debates: one on remuneration, pay and pensions, and the other on reimbursement of expenditure, which hon. Members need to run their offices, to travel to and from their constituencies and to live away from their constituencies when the House is sitting.

Mr. Gordon Prentice (Pendle) (Lab): In the next few weeks, a decision will be taken on the contract on the clean-up of Sellafield and the country's stockpile of nuclear waste, which could cost up to £75,000 million, based on the Government's figures. May we have a debate on the management of nuclear waste, in the context of the Government's restated policy vastly to expand the nuclear industry?

Ms Harman: There was a statement on nuclear waste by the Secretary of State for Environment, Food and Rural Affairs last week, but I will raise with colleagues the points that my hon. Friend makes.

Sir Nicholas Winterton (Macclesfield) (Con): I fully support the call of my right hon. Friend the Member for Maidenhead (Mrs. May) for a longer debate on Zimbabwe, although I am most grateful to the Leader of the House for arranging a topical debate on 3 July. May I help the Leader of the House in responding to the concerns about Zimbabwe by asking whether she would arrange for the Secretary of State for Foreign and Commonwealth Affairs or a Foreign Office Minister to come to the House next week to give information on the number of election observers and monitors who will be in place when that election occurs? As the Leader of the House knows, it will take place before the debate in this House. That election cannot be free and fair unless there are independent international observers present to witness it.

Ms Harman: Foreign Office questions are next Tuesday, and there will be an opportunity for topical questions to be asked. The election will then be on Friday, and the following week there will be the debate led by the Foreign Secretary. The whole House is concerned about the situation, and we will keep the matter under review and ensure that the House has an opportunity to have a debate and play its part in expressing to the world, to African countries and to people in Zimbabwe the fact that we stand behind the Zimbabwean people and their right to vote and choose their own Government.

Mr. David Kidney (Stafford) (Lab): Will my right hon. and learned Friend agree to publish the Government's final proposals for the equality Bill ahead of next Thursday's general debate on the draft legislative programme, the better to inform the debate on such important matters as outlawing age discrimination and enabling mothers to breast-feed their babies in public?

Ms Harman: I will quite shortly be setting out to the House the provisions that we expect to be included in the Government's new equality Bill. Hon. Members and many outside organisations have said that they feel that the last frontier of equality is ensuring that the growing number of older people in this country do not unfairly face prejudice and discrimination.

My hon. Friend mentioned breast-feeding. I confirm to him that we intend to make it clear in the Bill that it is not acceptable for women who are breast-feeding their babies to be shooed out of restaurants, public galleries or other public places. It is important that we encourage and support women who are breast-feeding their children, so the law should make it clear that it is not possible to exclude a woman on that basis.

Mr. Andrew Mackay (Bracknell) (Con): Is it not clear that the sheer magnitude of the evil tyranny in Zimbabwe dictates that we should have a longer debate rather than just a topical debate or rely on the vagaries of Foreign Office questions next week?

The Leader of the House mentioned Prime Minister's Question Time. Will she comment on why the Prime Minister did not answer the question asked by my hon. Friend the Member for East Devon (Mr. Swire) about China's role in bankrolling Mugabe?

Mr. Speaker: Order. That is not a question about the business for next week. The right hon. and learned Lady will try to answer the first part of the right hon. Gentleman's question.

Ms Harman: I understand the concern that the right hon. Gentleman and many other hon. Members have raised. There is great concern about Zimbabwe, and the House wants an opportunity to debate it widely and hear from the Government. That opportunity will be afforded not only in Foreign Office questions next week but immediately after the election has been held, on 3 July.

Mr. David Drew (Stroud) (Lab/Co-op): The Climate Change Bill will start its Committee stage next week, which is really good news. Will my right hon. and learned Friend ensure that there is no attempt to weaken clause 80, on mandatory reporting of the carbon emissions of larger companies? It has widespread support from the business community, and the CBI is not against it. Non-governmental organisations and many Members of the House have signed up to it, and the changes were agreed without a Division in the other place. Will my right hon. and learned Friend talk to her colleagues in the Department for Environment, Food and Rural Affairs and the Department for Business, Enterprise and Regulatory Reform to ensure that we do not change that clause, because it is jolly good as it stands?

Ms Harman: I will bring to the attention of my right hon. and hon. Friends in DEFRA the points made by my hon. Friend, who is a great champion of tackling climate change. If we are to make progress, it is important that we can see where progress is being made. Monitoring is part of that.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): May we have a debate on the performance of the Office of the Public Guardian? I am sure that hon. Members of all parties have been contacted by constituents who are concerned by the increasing length of time that it is taking to get lasting powers of attorney. In the case of one of my constituents, it has now been some 20 weeks—almost three times the target time in which the OPG says it will deliver it. That is causing major distress to families who are already having to deal with ailing relatives. I simply ask the Leader of the House whether we can look into that matter.

Ms Harman: The hon. Gentleman makes an important point. There are not a huge number of people affected, but it is a huge issue for those who are. I shall raise it with the relevant Departments and consider how to deal with it.

David Taylor (North-West Leicestershire) (Lab/Co-op): May I refer to my early-day motion 1839?

That this House is alarmed by the Government's proposal to abolish the requirement on employers to retain employers' liability compulsory insurance for 40 years; acknowledges that the existing law is poorly enforced; notes that the Government intend to introduce a statutory instrument before the summer recess to achieve this reform to employment and insurance law; recognises the significant distress of mesothelioma sufferers and their families who have been awarded industrial injury damages in court but cannot trace their former employers' insurers; believes that this inability to trace the insurers of employers whose workers were exposed to fatal asbestos dust as part of their work illustrates the need for insurance law to be strengthened, not weakened; further believes that the Department for Work and Pensions' solution will absolve employers and their insurers from responsibility for future victims of industrial illnesses like mesothelioma who are diagnosed with a fatal industrial illness many years after exposure; and calls upon the Government not to introduce this statutory instrument to withdraw and to consult the public further on this matter.

It draws attention to the Government's proposal to introduce before the summer recess a statutory instrument to weaken insurance law and remove the obligation on employers to retain compulsory employers liability insurance for 40 years. That would have a serious effect on those who are exposed to occupational hazards that are slow to show, such as mesothelioma. If the Leader of the House were to persuade the Government not to introduce that statutory instrument and to put it out to further consultation, that would create more space for the packed range of submissions that she is receiving this morning. The issue is serious and affects many thousands of people, and we do not know what many of them are being exposed to.

Ms Harman: I thank my hon. Friend for raising that important point. We want to ensure that standards of health and safety at work are as high as possible, and with the most effective regulation. Perhaps I will suggest to my fellow Ministers that they meet him and any other hon. Members who want to raise the issue before the regulations come before the House.

Mr. Peter Bone (Wellingborough) (Con): Rushden bowling club, in my constituency, normally gets a water bill for £300 every six months. Recently, £10,000 was debited from its account. It never received a bill, neither the bank nor the water company will do anything about it, and it has turned to me as a last hope. May we have a topical debate on the relevance of the power of utility companies over private citizens?

Ms Harman: I have urged Members to put forward proposals for topical debates, and the hon. Gentleman has done exactly that. I shall consider it, but he might also consider applying for an Adjournment debate on the case of his bowling club.

Dr. Brian Iddon (Bolton, South-East) (Lab): During the passage of the Human Fertilisation and Embryology Bill, there has been considerable support in both Houses for the proposal to establish a parliamentary bioethics committee. In my view, it should cover human as well as animal bioethics, because issues such as xenotransplantation and admixed human embryos cross the boundary. Will my right hon. and learned Friend be prepared to take that issue through the usual channels and particularly seek Government support? Perhaps we can have a statement before the Bill's final stages in this place.

Ms Harman: My hon. Friend makes some very good points. I know that the Minister of State, Department of Health, my right hon. Friend the Member for Bristol, South (Dawn Primarolo), has said that we will reflect further on that matter. If a Joint Committee were to be set up, it would be an issue for both Houses to consider, and it may be something for myself and other members of the Modernisation Committee or the Procedure Committee to look into.

Dr. Julian Lewis (New Forest, East) (Con): Some 235 right hon. and hon. Members have so far signed early-day motion 1620.

[Dr. Julian Lewis]

[That this House believes that the home address of any hon. or Rt. hon. Member should not be published if he or she objects to publication on grounds of privacy or personal security.]

It is about the dangerous decision of judges that MPs' home addresses should be published. Will there be an opportunity to consider that matter on 3 July? I should like to tell the House about the three polite but firm notes of refusal that I had from the judges who made that decision, after I asked them whether they would give me their home addresses. Clearly, judges believe that they are more at risk from MPs than MPs are from everybody else.

Ms Harman: The hon. Gentleman's early-day motion has shown two things: that there is great concern across the House and that there is something by way of a consensus. The consensus is that there should be transparency and that we should ensure that the public know that public money is being spent properly, and that there are strict and clear rules. That will be the subject of the Members Estimate Committee's proposals about Members' allowances and reimbursement of expenditure. Although hon. Members want to ensure that the public have confidence in how money is spent, it is absolutely clear that we must have the freedom to debate in this Chamber without having to look over our shoulder. It must not be the case that, because our addresses have been published, we cannot speak freely about something controversial.

In response to the hon. Gentleman's point and his early-day motion, I not only propose that the House should have the opportunity to debate the matter on 3 July, but I shall place a resolution before the House so that hon. Members will have the opportunity to vote for the views expressed in the early-day motion.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Can we have a debate on the exploitation of illegal migrant workers in this country by employers? My right hon. and learned Friend will be aware of recently introduced Government legislation, under which, as of today, companies and company directors who knowingly employ illegal immigrants will be not only fined but named and shamed. Although that is welcome, will the Leader of the House go one step further and use her good offices to influence her Cabinet colleagues, so that when Government contracts are tendered for, the activities of such companies and company directors are taken into account?

Ms Harman: I pay tribute to my hon. Friend, who has spent many years, before he entered the House and since, ensuring that we protect vulnerable workers from exploitation and that employers should be held to account. He raises an important point. The Government will be doing all that we can to stop employers from exploiting immigrants who enter without leave or whose leave has expired. The practice not only undermines people who are already long-standing legal workers here, but is particularly relevant at a time when major Government contracts will be placed with companies competing to build, for example, the extra homes needed in the construction of the facilities for the Olympics. I will certainly raise the matter with Cabinet colleagues.

Richard Ottaway (Croydon, South) (Con): As the Leader of the House said, the Baker report has been published and the Members Estimate Committee report is about to be published. In the light of Sir Christopher Kelly's comments in the report that he has published in his capacity as chairman of the Committee on Standards in Public Life, would it not be sensible to invite him formally to comment on both reports before we debate them on 3 July? After all, he chairs the committee whose job it is to maintain standards in public life and his comments will add credibility to our debates.

Ms Harman: That is a helpful suggestion. It would help the House's debate for Sir Christopher Kelly to have an opportunity to put forward his views on the proposals on which the House will decide. He will already have seen the Government's proposals and the Baker proposals on pay and pensions. When the Members Estimate Committee report comes out—and is made available in good time before the debate for hon. Members to consider it, table any amendments and reflect on it—it might be useful, without pre-empting colleagues on the MEC, formally to forward a copy to Sir Christopher Kelly. That way, if he wants to make any proposals, he can make them to the MEC, which would be better than his perhaps commenting on television afterwards.

Kelvin Hopkins (Luton, North) (Lab): May I draw my right hon. and learned Friend's attention to the excellent early-day motion 1830, which was tabled yesterday by my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck)?

[That this House recognises that Britain is suffering the effects of a housing affordability crisis; highlights new research by Shelter showing that two million households are being pushed to breaking point by unmanageable housing costs; notes that thousands of households are homeless or trapped in damp, dilapidated or overcrowded housing, because they are unable to afford to rent or buy a decent home; welcomes the launch of Shelter's Now is the Time campaign to make sure everyone has an affordable, decent place to call home; and calls on the Government to meet its commitment on building homes by 2020, ensure that enough social rented homes are built for those who need them most, protect people facing eviction and repossession or living in bad housing, and end the housing divide by making the housing system fairer for everyone.]

The motion deals with housing need and refers to the recent Shelter report, "Now is the Time". In view of the fact that house sales are now falling, which will undoubtedly put extra pressure on housing waiting lists, and the already serious shortage of housing to rent, may I ask my right hon. and learned Friend for a long, serious debate on housing in all its aspects, which would deal with all the issues raised in the early-day motion? That debate should also look into the kind of policies that were successfully adopted by a previous Labour Government in the 1970s, in particular municipalising empty properties that are unsafe and not being sold, but which could in future be rented out to those on waiting lists.

Ms Harman: My hon. Friend will know that the topic for debate this afternoon is eco-towns. I know that that is not exactly the point that he made, but the question is how we increase the housing supply. I will raise with my hon. Friends the housing need that he has identified

and the important issues raised in that early-day motion and write to him, to let him know how we plan to ensure that the House has an opportunity to debate them.

Mark Pritchard (The Wrekin) (Con): Could we have a debate on sex changes? I am not against sex changes, but given the number of sex changes, which are increasing in the United Kingdom year on year, the cost to the NHS, which has scarce resources, and the fact that sex changes are a matter of choice, is it not time that we had a debate about the issue? Many of my constituents do not have access to Alzheimer's drugs or cancer drugs, but neither of those diseases do they have through choice.

Ms Harman: The hon. Gentleman misunderstands the situation. It is not a question of choice: if someone needs to have gender reassignment surgery, it is a question of necessity for them. If the hon. Gentleman wants to raise the issue further and ask questions of the relevant Minister, he can do so in the Opposition day debate next week on the NHS.

Mr. Philip Hollobone (Kettering) (Con): There are just over 3,800 council tenants in the borough of Kettering. Some 27 per cent. of their weekly rate is siphoned off by the Treasury, and that is happening throughout the country, with 160 local council areas worse off and only 50 better off. Even worse, the Treasury is keeping a surplus of some £200 million of the money and not redistributing it into other social housing projects. Can we have a statement from the Chancellor of the Exchequer or the Minister for Housing about why tenants in Kettering and elsewhere are effectively having to pay a stealth tax for living in local authority housing?

Ms Harman: The Department for Communities and Local Government, together with the Treasury, is reviewing the operation of the housing revenue account, to ensure a simpler and more transparent system. However, I would hate the hon. Gentleman not to recognise the importance of the increases in housing benefit, which have helped his constituents among many others, and, above all, the fact that more people are able to be in a job and earn a living than previously—as well as the investment made in public housing across the board.

Mr. Graham Stuart (Beverley and Holderness) (Con): May I, through the Leader of the House, congratulate the Government on their new national strategy for carers and its many positive aspects, including additional funding for breaks and respite? However, can we have a debate on benefits for carers, so that we can discuss why the biggest issue of all was not addressed by that strategy—namely why so many carers live in poverty?

Ms Harman: We made a commitment in the national carers strategy to keep the issue under review. I thank the hon. Gentleman for his welcome for the strategy. It is important that there are good support services for families caring for older and disabled relatives. It is important, too, that there is flexibility at work for those who want to hold down a job but fulfil caring responsibilities. A survey that we undertook recently showed that only 9 per cent. of those caring for older or disabled relatives know that they have the right to request flexible working. I hope that the hon. Gentleman will support tax credits, which help those who for whatever reason have to drop their hours to top up their income. However, we will keep the benefits question under review. Indeed, the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), gave evidence on that to the Select Committee on Work and Pensions this week.

Philip Davies (Shipley) (Con): Given the Leader of the House's criteria for topical debates, could we have a topical debate on how our freedoms have been eroded by the Government over the past 11 years, whether they be our freedom of action, freedom of speech or other basic freedoms? Given that the Government appear to lack the courage to defend their position in the by-election in Haltemprice and Howden, surely we should have a debate in the House about a subject that has caught the mood of the British public.

Ms Harman: This is not about the Government having the courage to defend their position; it is about the Government having the courage to defend the people of this country from terrorist attacks. I find it most implausible that the hon. Gentleman—or other hon. Members—should try to assume the mantle of defender of civil liberties, when he is opposed to the Human Rights Act 1998. Indeed, his party is pledged to repeal it, if—perish the thought—it ever gets into government.

Mr. Ian Liddell-Grainger (Bridgwater) (Con) *rose*—

Hon. Members: Hear, hear.

Dr. Julian Lewis: Don't resign!

Mr. Liddell-Grainger: I may go and help in Howden.

Can we have a debate on regional development agencies? Recently, the South West of England Regional Development Agency sent an e-mail to south-west MPs informing them that it will change the way it operates in relation to inward and external investment. With the demise of the regional assemblies, there has been no consultation about the proposal at all. Indeed, we have been told that it is a fait accompli and that it will happen. The history of the South West of England Regional Development Agency is not good. At best, it has been dilatory in many of the things that it should do; at worst, it has been incompetent in a lot of cases. Can we therefore just talk about that?

Ms Harman: We acknowledge that there is a gap in the accountability of regional development agencies to the House, and that is why the Prime Minister proposed, in "The Governance of Britain", that there should be regional committees to involve Members of the House in scrutinising the work of the regional development agencies. In a week or so, the Modernisation Committee will finalise its report on regional committees, and proposals will be brought forward to the House. There will therefore be a proper system of accountability for the issues that the hon. Gentleman has raised.

ROYAL ASSENT

Mr. Speaker: I have to notify the House, in accordance with the Royal Assent Act 1967, that Her Majesty has signified her Royal Assent to the following Acts:

European Union (Amendment) Act 2008

St. Austell Market Act 2008

TOPICAL DEBATE

Eco-towns

12.21 pm

The Minister for Housing (Caroline Flint): I beg to move,

That this House has considered the matter of eco-towns.

Eco-towns offer us a unique opportunity not only to address the housing shortage and to tackle climate change but to trigger substantial economic growth across entire areas. I know that hon. Members will be familiar with the significant housing shortages that the country is facing. The fact is that we are all living longer, thankfully, and, as a result of the growing ageing population, far more people are living alone. That in itself contributes to a major shortfall in housing. It also means that, as we grow older and want to live more independently, we need services that can be provided in our communities, closer to or in our own homes. The people who will provide those services also need access to homes, particularly affordable homes, either to buy or to rent.

Mr. Philip Hollobone (Kettering) (Con): Is not that just part of the story? Is not the need for housing in our country increasingly being driven by immigration, which is carrying on at an unchecked rate because of the policies of the present Government?

Caroline Flint: Of course, some of those hard-working migrants also contribute to building more houses in this country. Migration is a factor, but it is not the only factor. The point is that we have not built enough homes for the past 15 years or more. That is a recognised fact. Given this country's present population, we need to build more homes, including homes that are suitable for older people. Let us also recognise the hidden numbers of people who are not necessarily on housing waiting lists but who are living in overcrowded or unsuitable accommodation. Many young men and women, for example, have to live at home with their parents for longer because they cannot afford to get a foot on the property ladder. Let us talk about this in a reasonable manner and recognise that there is a real need to supply more homes of various shapes and sizes.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): I understand what the Minister is saying and I agree with her. However, regarding the Ford eco-town proposal, she will be aware that Arun district council, in its core strategy document, has already identified and allocated land for 9,500 houses, of which between 30 and 40 per cent. will be social housing. The council has done what was required of it, and it is therefore wrong to suggest that the Minister needs to intervene to impose housing numbers on the council and to say where those houses should be.

Caroline Flint: We have discussed housing needs with local authorities and we will continue to do so. Of all the new homes built in the hon. Gentleman's area in the past year, only 4 per cent. were affordable. So, more houses are being built, but there is a challenge that cannot be ducked: are all the people whom hon. Members represent—those who can afford to buy and those who cannot—getting the chance to have a home that they can rely on, whether to rent or to buy?

I will continue to work with local authorities, as will my colleagues in the Department, to ensure that we recognise the need for housing and that we engage in meaningful debate about where the houses should be. My point to all hon. Members—who are looking at proposals at the moment; this is no done deal—is that, if, at the end of this process, an eco-town is not built in their area, they will still have to face up to the challenge of meeting the need for housing in their community—*[Interruption.]* There are mutterings of "Of course" from those on the Opposition Benches, but the reality is that there are not enough houses being built in many parts of the country, including the areas of the proposed eco-towns, and there are certainly not enough for the people who cannot afford to get on to the property ladder or find homes to rent.

Mr. Graham Stuart (Beverley and Holderness) (Con): I entirely agree with the Minister about the challenge that people face in finding housing, and I recognise that the Government have invested in existing housing in order to raise standards, but will she explain why, under this Labour Government, so few houses have been built? Is she really confident that more top-down targets will deliver the change in housing provision that this country so badly needs?

Caroline Flint: I will look at the *Hansard* record of that intervention, because it seemed to be a bit of a pushmi-pullyu question. The hon. Gentleman started off by acknowledging the need for housing but then went on to deny it.

At national level, we provide comprehensive data on the housing needs of different communities across the country. For example, we can prove the gap in affordability, which varies around the country but which is increasingly becoming an issue not only for London and the south-east but for other regions, including my own. We can provide that overview, but we also negotiate with local authorities about how to meet the demand. We expect them to meet that demand, but to do so constructively. That is the way in which we work, and how we will continue to work.

There are now 1 million more home owners than there were in 1997, but we have also had to make tough choices as a result of the legacy that we inherited of poorly maintained, and poorly invested in social housing stock, in order to get it up to standard. We have now reached the point at which we can seek to see what more we can do, and it would serve hon. Members well if, instead of nit-picking, they helped us to get on with that by supporting our discussions with local authorities on building more homes, including affordable homes.

Mr. Edward Garnier (Harborough) (Con): What role will the infrastructure planning commission have in the development of eco-towns?

Caroline Flint: The eco-town programme will be subject to the full planning process at local level, and, as far as I am aware, there are no plans for the commission to have a role in relation to eco-towns.

David Howarth (Cambridge) (LD): I understand what the Minister is saying, but how does that fit in with the Hanley Grange proposal in Cambridgeshire, where the

organisation responsible for delivering the very many housing proposals in Cambridgeshire—Cambridgeshire Horizons—is saying that this extra proposal will undermine the deliverability of the existing proposals, never mind the fact that the chosen site is so far out of town that no plausible public transport system can be used to reach it, which means that it will not be very eco?

Caroline Flint: I thank the hon. Gentleman for that contribution. As I make progress in my speech, I will address the process of engagement involved. He referred to Hanley Grange as a proposal, and that is what it is. We asked for expressions of interest, and about 57 bids came in. We drew up a shortlist of 15, after looking at a number of issues, including whether the bids had the potential—I stress the word "potential"—to move forward to the next phase. Every proposal has been thoroughly interrogated, including in terms of looking at existing developments in the areas concerned and how they might complement any new developments or, as the hon. Gentleman suggests, how they might hinder development in other areas.

This is work in progress, and there are no done deals on any of these sites. In this part of the process—prior to the shortlist that I will announce later in the year, and prior to the applications—it is healthy to ensure that we scrutinise the bids and get as much community engagement as possible in order to clarify the matters that local people, local authorities and parliamentary colleagues are concerned about.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will the Minister give way?

Caroline Flint: I will give way to my hon. Friend, who is the only Labour Member to intervene so far. After that, I shall definitely want to make some progress.

David Taylor: Many among the population have seen through the "vote blue, go green" slogan as a pretty fatuous one and they are also becoming suspicious of eco-labelling, which they see as an underhand way of building new towns in quick time to the detriment of the local environment and to the profit of property developers. Will the Minister thus defend the concept in the light of the widespread concern that exists in Leicestershire, the east midlands and, indeed, more widely?

Caroline Flint: Given the contribution of the built environment to our emissions, the challenge of tackling both housing supply and climate change must be faced. The eco-town programme allows us to see whether we can demonstrate within a whole town's development, and in the light of the skills, technology and innovation available, that this country can be a world leader in building the houses that we will need increasingly in the future. For example, we also face the challenge of meeting zero carbon emissions targets; we are working with the industry on that front and I think that eco-towns may offer something else to that process.

The planning policy statement that we will produce in the next month will help to ensure that eco-towns are benchmarked against very high standards and it will also help local authorities that may be receiving submissions from developers who put "green" or "eco" in front of their applications to assess them. The process will allow us to develop the sort of tools that can be used better to define what eco and green really mean, what standards should apply to public transport and house building, what energy resources can be utilised and how waste can be better managed. That will be beneficial for the eco-town programme and it will add to the capacity of local authorities to make good decisions on other applications—not only now, but 10 or 20 years in the future.

This is such a fast-moving area that we, too, will need to update as advances in technology are made. The work of my colleagues in the Department for Business, Enterprise and Regulatory Reform in looking at energy supply renewables is another factor that plays into the opportunities that both small and large-scale developments can offer. This is an exciting programme. It does not sit on its own; it complements the very important work that we must do across the built environment—commercial, as well as domestic.

As I said, in view of the challenges that we face, we have to find new ways of designing and building our homes. We have to cut carbon emissions from our housing and build homes that are resilient and adaptable to a changing climate. The need for more housing and more sustainable housing is why we have developed the concept of eco-towns; we believe that in some way they are not the only solution—they will allow us to address both needs.

I also see eco-towns as making a substantial contribution to overall economic development. Jobs and homes are important to families. Where people live is important, but having a job to provide the means to buy a home and enjoy a successful family life is equally important. I commend the work done in the west midlands by the Minister for the West Midlands, who carried out a jobs and homes road show last year that incorporated all those factors.

Some eco-towns are proposed for areas where a lack of housing is effectively putting a handbrake on economic growth, preventing businesses in the community from expanding as far as they could. For example, I recently visited one of the locations and saw that the local market town was absolutely bursting at the seams. There was no more room for building housing or business units without jeopardising the character that makes that market town so special. The local authority says that an eco-town location in the vicinity will allow it to do a number of things. First, it will be able to expand economically and continue to have a thriving local economy. That development will also prevent urban sprawl around the market town, while at the same time provide the much-needed homes for the community. I am talking about the Manby site in Lincolnshire. I was very pleased to visit that area and I shall be visiting all the other locations in the next month or two.

Several hon. Members *rose*—

Caroline Flint: I want to make a bit of progress before giving way again.

The Hanley Grange proposal in Cambridge—I acknowledge the concerns about that site—would build 8,000 homes on the borders of what is known as the Silicon Fen, the region's flourishing high-tech sector, which currently faces extreme house affordability pressure.

Mr. Andrew Lansley (South Cambridgeshire) (Con) *rose*—

Caroline Flint: I will give way in few moments.

Similarly, the Curborough proposal in Stafford would provide 5,000 homes on the doorstep of a business park that currently employs 3,000 people, but has room to expand to 7,000 jobs.

Mr. Lansley: I am sure that the Minister would acknowledge that we are already committed to building 42,500 new homes around Cambridge, of which 17,000 will be affordable homes. I am sure that she will not have seen—it was published only today—a study by Cambridge Healthcare and Biotech, conducted on its own initiative. It surveyed the companies with locations closest to the proposed site at Hanley Grange—in Babraham, Granta Park, Chesterford Park and the Human Genome campus of the Wellcome Trust. There were 20 respondents and I would like to quote the conclusion:

"All respondents feel that a major housing conurbation adjacent to their business would make their location less attractive. Many have deliberately chosen their current location because of its rural nature. None believe Hanley Grange would help in their efforts to attract high calibre staff. Many believe that it will hinder their efforts."

They need the homes, but they do not need an urban environment where they have built their companies. They need the transport there to be accessible, which it is—

Madam Deputy Speaker (Sylvia Heal): Order.

Caroline Flint: I hope that the hon. Gentleman will have an opportunity to speak in the debate. All those concerns—transport, the environment, the green spaces, the character of the buildings in these communities—will need to be considered, and not just at Hanley Grange. Again, however, I stress that there are no done deals here. We have an opportunity to set our sights as high as possible, particularly in respect of how we engage with communities. On that front, it is important to listen to people who are against these proposals or have significant concerns about them, but there are also the silent voices, often not heard, of the people who have no home or are living in very difficult circumstances.

Peter Luff (Mid-Worcestershire) (Con): *rose*—

Caroline Flint: I will give way to the hon. Gentleman, but that will be the last intervention I shall take.

Peter Luff: I know that the right hon. Lady is very reasonable, so I am delighted to hear that she is coming to see the eco-town proposed in my constituency. When she does, she will realise that there is no hidden need. I freely admit that housing need exists, but it is in completely different areas—not where the town is proposed. When she comes, will she please co-ordinate her visit not just with Warwickshire county council and Stratford-on-Avon district council, but with Worcestershire county council and Wychavon district council, because, contrary to everything her Department says, the eco-town is in two district council areas, not just one?

Caroline Flint: At all the locations I have visited, I have met local authority representatives of all the affected councils. In order to ensure that I do not miss anyone out, when we get the details about the date on which I am visiting the hon. Gentleman's area, I will double-check with his office that nobody has been left off the list.

Developers have an important role to play in making sure that people know what their plans are—it is their job to do that—how they would affect them, and what role local people can have in shaping the proposals. Rather than just say, "No, no, no", it would be worth engaging with what is on offer. As I look at the different schemes, I have to say that they offer exciting ways in which some of people's concerns can be addressed. I have already said that I have visited some of the proposed locations and I intend to visit them all during July and August. We are ensuring that every voice is heard—not just those with the time and resources, but those who are in desperate need of affordable housing.

We have published a document, "Living a Greener Future", asking for views on the benefits and principles of eco-towns. We are asking people to tell us what they want and expect in terms of development standards, housing, green space, travel and the wider benefits they would like to see. At the same time, we are seeking views on the 15 shortlisted locations.

The second phase of consultation will focus on the sustainability appraisal, which will run for three months, and the eco-towns policy statement that I mentioned earlier. The sustainability appraisal will be a detailed assessment of each of the locations, setting out the likely environmental, social and economic impact. As I said earlier, the eco-towns policy statement will set out how eco-towns will fit within the existing planning system and relate to existing local plans. Parliamentary colleagues raised in earlier interventions—

Madam Deputy Speaker: Order.

12.39 pm

Grant Shapps (Welwyn Hatfield) (Con): When the eco-town idea was first suggested, it involved just five eco-towns and it must have sounded a bit like motherhood and apple pie—who could argue against the idea of having more housing and making it environmentally sustainable? What a great idea. The problem is that there is almost nothing green left about those plans. They have descended into the kind of farce that we thought we had seen the last of with home information packs, but it has made its way into eco-towns.

To prove that point, we need look no further than a couple of simple facts, which show the extent to which this is all now about spin rather than genuine housing. It goes like this: if—and it is a big if—this Government build all 10 of the eco-towns that they currently propose, that will create just a quarter of 1 per cent. of all the housing that they say needs to be built each year from 2016. On the basis of the 15 plans that they brought forward and a combination of the 10—

Caroline Flint: Will the hon. Gentleman give way?

Grant Shapps: I happily give way.

Caroline Flint: Does the hon. Gentleman agree that we have never said that eco-towns are the only solution to the housing needs in this country? Does he not accept, that where there are opportunities for developments

of this kind, they can contribute? Also, the nature of the development allows us to do things on green energy and sustainable living that sometimes are not possible within an already built environment.

Grant Shapps: I entirely accept that it may be a good idea to have something that is called a sustainable eco-town community. My point is that what the Government have invented is not it. We know that for sure because when they started to spin their line about five and then 10 eco-towns, they initially said that they could get—these were the headlines in the newspapers—200,000 environmentally friendly eco-sustainable homes. However, when we look at the list of 15 and the list of any combination of 10, we see that we get to about 75,000 homes. Just 75,000, not 200,000. The Government say that, by 2016, they are going to build 240,000 homes a year, so we realise that 75,000 homes overall is a tiny drop in the ocean. So, first, we have the size and scale of the proposal, which start to make people suspicious.

Patrick Hall (Bedford) (Lab): The hon. Gentleman needs to be aware that thousands of my constituents are in serious housing need. What they may misunderstand from his comments today is that the Conservative party is opposed to addressing those needs.

Grant Shapps: With the greatest respect to the hon. Gentleman, his constituents need not draw that inference in any way, shape or form. The simple fact is that more homes can be produced by working with communities rather than by coming up with large, centrally-driven, Whitehall-driven, top-down, Soviet-style planning schemes from the centre. That is what this plan has come down to—all this fuss, bother and kerfuffle for just 75,000 homes, because it sounds like the Government are doing something green. In fact, they are not green at all.

David Taylor: The hon. Gentleman, with his facility for basic arithmetic, ought to be shadow Chancellor. He refers to 75,000 houses out of 3 million. That is not one quarter of 1 per cent. It is 2.5 per cent., which is a useful contribution. I do not deny the potential for eco-towns to contribute towards solving the housing shortage, but let us not belittle them by a factor of 10. Come on!

Grant Shapps: If the hon. Gentleman reads *Hansard*, he will notice that I said that from 2016, when the eco-towns start to come on line, the figures add up. I would be happy to go through them with him, but either way I think we agree that this is a tiny figure: 75,000 out of—from 2016—2 million, even, is very little, but we have all this fuss and many green clothes being put on.

Caroline Flint *rose*—

Grant Shapps: Let me continue with the point. All that suggests that there may be a problem, but the much deeper problem and much more serious concern that the Government should be addressing at this stage is the fact that those homes will not come on line until 2016.

The Minister for Housing and her predecessor have said that, by 2016, all homes will be at sustainability code level 6. When all homes are at code level 6, they will be zero carbon. As every house will be zero carbon when the first eco-town homes come on stream, what, may I ask the Minister, whom I am happy to give way to, is the point of making a big fuss about building eco-towns? At that stage, all homes will in any case be green.

Caroline Flint: I really think that the hon. Gentleman just does not get it. This is not just about building houses, which is important; it is about whether there is a way to build a sustainable community with the infrastructure necessary to make that happen. People often complain about that when planning applications are submitted. Public transport, tackling waste and renewable energy supplies are all important to a greener, cleaner future. Given what he has said, if, after the shortlist is announced, some of those eco-towns go forward and win at the planning application stage, will he still be against them? That is what it sounds like.

Grant Shapps: So now we have it. This is not about building zero-carbon, sustainable communities; it is about experimentation with new technologies to see whether we can find new, greener ways to live. This is what is wrong with that approach: according to a speech made by the Minister earlier this week, it turns out that the new eco-town houses will not have to be built at sustainability code level 6. No, the greatest farce of all is the fact that they can be built at sustainability code level 3. When that happens, those eco-towns will be built at a lower environmental level than the houses that will in any case be built at the same time in 2016. I suggest to her that the entire project is now looking rather shabby to say the least.

If the Minister does not agree about the minuscule nature of this grand plan and the fact that it will build very few homes, and if she does not agree that it will not be green because all homes will be more green than those are by the time they are built, perhaps I can tackle her on another issue that is causing considerable concern. It was said repeatedly that these eco-towns will contain up to 50 per cent. affordable housing. Then the Government said that that might be a bit tough, so made the figure one third. Then they said that the developers should aim for 30 per cent. Most recently, looking at the applications that have been submitted, we have learned that the affordable home element is just 26 per cent. In one development, the figure is just 10 per cent. affordable housing. Perhaps the Minister can enlighten us on how those eco-towns live up even to the original spin—

Caroline Flint *rose*—

Grant Shapps: I gladly give way.

Caroline Flint: I make it clear that the eco-towns should offer a minimum of 30 per cent. and we would like that figure to rise. All the bidders are making proposals, so the whole point is to test them out and challenge them along the way. When I make a shortlist, I will be looking very closely at what is on offer.

Grant Shapps: Unfortunately, that has not cleared the matter up. The combined affordability element of the original 15 bids is 26 per cent., so unless we go back to those and reselect from them, how will we be able to increase the number or the percentage of affordable homes? I am not clear about how that can be done. Are

[Grant Shapps]

we now saying that all this is going back to the drawing board and that people can resubmit their bids with higher proportions of affordability or are we saying that the figure cannot be higher than 26 per cent. because that is the level already contained in the 15 bids that the Minister is choosing from?

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): Will the hon. Gentleman give way?

Grant Shapps: I will certainly give way to the right hon. Gentleman, whose knowledge of these subjects may surpass that of the Minister.

Mr. Raynsford: As the hon. Gentleman is expressing concern about a reduction in the proportion of homes designated as affordable and social—clearly he thinks that is a mistake—what discussions has he had with the Mayor of London about the London plan and the appropriate element within it of affordable and social housing in London?

Grant Shapps: I do not want to stretch the boundaries of the debate, but I think that the fundamental difference between Conservative and Labour Members is simply that we believe it is important to build more homes—more homes of every kind in every way. It is no good coming up with small schemes that are spun so that they sound as though they are the answer to problems to do with green issues or the supply of homes; nor is it to come up with arbitrary numbers for affordability that may not in the end supply more homes overall.

We know that the best way to improve affordability is to build more homes throughout the country, not just in the specific places and of the specific types that the Minister in Whitehall thinks are right. That brings us to the fundamental differences between us. In her opening comments, the Minister made it clear that the Government think that they are doing this because they wish to supply more housing to the marketplace, but for 11 years they have failed to build housing of any kind. The annual average over that period has been 145,000 new homes per year, compared with 176,000 in the preceding two decades.

Moreover, the homes that have been built have been less affordable. Not once have the Government returned to the 1997 level of 28,000 affordable homes being built each year. Only 284 council homes were built last year, but that is the best that the Government have managed. They have never managed to equal the 1,500 plus affordable homes that the previous Conservative Government were still building in 1997.

Given that the Government's record on housing is so lamentable, is it not somewhat surprising that they still come to this House with plans, policies, half-baked ideas and spin about eco-towns? They produce Green Papers and White Papers, all of which seem to forget the simple principle that they must work with local people and engage and incentivise local communities to come forward with plans that work for them. Such plans would fit with the desires of local populations, enhance their quality of life and improve the quality of housing locally. Without all that, these eco-towns will never be built.

Although the Minister has said that that is exactly what the Government are doing, I would not mind putting a small wager on the number of eco-towns that will be built. To anyone who spends time taking a serious look at the project, it is obvious that there is very little chance that any of them will get that far.

Caroline Flint: I'll give you a tenner!

Grant Shapps: I hear the Minister offer me a tenner across the Dispatch Box.

Madam Deputy Speaker: Order. If people are going to place bets, they should do so somewhere else, and not in the Chamber.

Grant Shapps: Thank you, Madam Deputy Speaker. You are quite right. We shall see to this afterwards.

I know that the Minister has had the same briefings that I have had, from people who know about house building. They have spent 30 or 40 years building large estates of 5,000, 10,000, 15,000, 20,000 or 30,000 houses, and they have told us both that it would be impossible to get the homes built in the time scale that the Government are talking about—that is, by 2016 and 2020. With the best will in the world—and even if all the stops are pulled out, no one goes for a judicial review and it is plain sailing from day one—the planned homes cannot be built on time.

For that to happen, it would require a lorry delivering material to turn up once every 20 seconds at sites throughout the country. The plan is logistically impossible, but the problem is worse than that. Earlier, the Minister gave my hon. and learned Friend the Member for Harborough (Mr. Garnier) a sort of half reassurance about the role of the infrastructure planning commission. She said that it would have nothing to do with easing the path of the eco-town developments, and we take her at her word that the commission will not necessarily change the way that the eco-towns are planned and delivered. However, we know—because it is on the face of the legislation—that the commission will certainly have an impact on how roads, sewerage and water and energy supplies are put in place around the eco-towns.

Therefore, it is not the case that the new infrastructure planning commission will have no influence at all on the development of the eco-towns. It most certainly will, but the Minister seems to believe that it will ride to the rescue and ensure, through the back door and by means of planning sewers, roads and the rest of it, that the eco-towns are built on time. I am afraid that there is very little chance of that happening.

The eco-town project must have sounded like a great idea when five of them were originally announced—so good, in fact, that the Prime Minister could not resist enlarging the number to 10 in his conference speech last year.

Mr. Lansley: Last July, the Prime Minister made his initial announcement that five eco-towns were to be built, but the first and only one that he identified was to be at a place called Oakington barracks in my constituency of South Cambridgeshire, an area now called Norstowe. My hon. Friend has said that none of the eco-towns can be delivered within the planned time scale, so does he share my surprise—astonishment, even—that the Norstowe

project is at the outline planning application stage now? With a certain amount of Government support, it could be the first eco-town to be built, and within the time scale contemplated for the others.

Grant Shapps: I am grateful to my hon. Friend, who is absolutely right. The extraordinary thing about the project is that the Government's management and approach have been so incompetent that the eco-town to which he refers has been taken off the list entirely, in favour of another one nearby. The easy delivery of one eco-town that could have gone ahead has been deliberately stripped out of the plans, for reasons that perhaps the Minister will be able to explain when she comes to visit the sites in question. The eco-town project must have sounded like a great idea, but it has not survived investigation or being put under the spotlight.

Peter Luff: My hon. Friend is illustrating, as did my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), that this is a back-of-the-envelope idea that has not been properly thought through. Case study three in the consultation document is about Vauban in Germany. The Government have said that it has 500 residents, but in reality it has 5,000. It is by far the largest example of a so-called eco-town, but it is really an eco-suburb, being an extension of Freiberg and a 4km tram ride from the centre of that town. Should not eco-towns be eco-suburbs? Vauban is right, but the Government's eco-town proposals are wrong.

Grant Shapps: My hon. Friend is right, and he has a very clear grasp of the matter because an eco-town is planned in his constituency at a place that has been renamed Middle Quinton but is really called Long Marston.

The problem is how these eco-towns can be made to work. I represent two new towns, and I know that they have to be of a certain critical size. Welwyn Garden City works because it has 30,000 people, but people cannot live, work and shop in towns with only 4,000, 5,000 or 6,000 inhabitants. They have to jump into some form of transport—often their cars—to go somewhere, and that is not a sustainable form of life. Some of the eco-towns are planned for locations where there is no transport other than the car, so one wonders what the Government can possibly be thinking of.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Does my hon. Friend agree that one justification for the Prime Minister's announcement of these eco-towns is that they would deliver a high level of affordable housing? Whatever economic assumptions were made by the Prime Minister last July, the building of new houses has come to a virtual stop, and there has been a decline in the housing market. Will not both those factors make the delivery of the eco-towns very much more expensive for taxpayers than was the case when the Prime Minister made his initial announcement?

Grant Shapps: I thank my hon. Friend for that intervention, and rather suspect that he has identified why the plan is falling apart. The eco-towns are no longer financially viable, and that is driving much else of what is happening. The Minister for Housing has said that they do not need to be built at sustainability code level 6 and that we can get away with code level 3, but that is because the developers are saying that the extra £30,000 on the price tag that would bring the houses up to level 6 means that they cannot build the homes to the planned price and cost.

What seemed like a good plan has fallen apart. It is time for the Government to take stock and admit that the embarrassing stories about eco-towns that appear every day in the newspapers have some substance. The Government are going about eco-towns much as they have gone about other policies. Before they create HIPS mark 2 with their eco-town policy, they should withdraw it.

Several hon. Members *rose*

Madam Deputy Speaker: Order. I remind hon. Members that Mr. Speaker has imposed an eight-minute limit on Back-Bench contributions, in the hope that as many people as possible are able to make a contribution. However, although I have no wish to stifle debate, the number of contributions may be restricted if we get many lengthy interventions. I call Mr. Patrick Hall.

12.49 pm

Patrick Hall (Bedford) (Lab): Thank you, Madam Deputy Speaker. May I point out that I am a member of the Committee considering the Finance Bill? If I am called to the Committee and have to leave before the end of the debate, I hope you will accept that I mean no discourtesy to the House. However, I hope that that will not happen.

The area to the south of Bedford and Kempston is famous for inspiring John Bunyan, who called his fictitious area the "Slough of Despond". That may be a little unfair, certainly to the people who live there today, but perhaps it was prescient. What John Bunyan did not know was that, centuries on, the area would become home to the Fletton brick industry. The closure of the remaining brick kilns in February this year ended the supply of numerous jobs that had attracted workers from many parts of the world, but it also ended the pollution associated with the industry. However, the kilns left a legacy of despoiled land and huge pits in the ground.

In recent years, serious attempts have been made to regenerate Marston Vale. Much of the area is attractive, consisting of farmland and a number of pretty villages, but as it is part of the Milton Keynes and South Midlands growth area it has already been designated as an area for housing growth. The plan is to build about 19,500 houses in the Bedford growth area. Some 10,000 are committed, and a few have already been built. Other significant developments that are under way, some at the commitment stage and others at the "serious ideas" stage, include the improvement of junction 13 of the M1, the dualling of the A421 and the Thameslink programme, an important rail investment programme that will benefit Bedford and the surrounding area. A new railway station is also planned. I am pleased to note the revival of discussion of a possible east-west rail link across the country, which would go through Marston Vale and would be useful to Bedford.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Will the hon. Gentleman give way?

Patrick Hall: I am sorry, but I do not have time. I have been given eight minutes to deal with issues about which I could speak for 80 minutes. I mean no discourtesy.

The National Institute for Research into Aquatic Habitats has been given planning permission to locate in an exhausted brick pit. New jobs will result. The proposed Bedford-Milton Keynes waterway is being backed by active local people who have formed a trust. In the Forest Centre, despoiled land is being converted into an attractive leisure location. This is an area with tremendous potential, which has considerable significance for Bedfordshire and for the county town of Bedford in particular.

The concept of the eco-town is relevant to the delivery of developments that are at the planning stage, perhaps rather more ambitiously and with higher standards that would otherwise be the case. The Conservative party seems very exercised about the term "eco-town", but all that it really means is good planning. Is any Member going to say that he or she opposes good planning? If the Conservatives are in favour of good planning, let them be in favour of notching up the standard a bit more. What we need is a strategic master plan.

As I understand it, in the context of my constituency and the county in which I live, the eco-town concept is all about a strategic approach, as opposed to the approach that we have adopted too often since the second world war. Local communities are whipped up into opposing any new growth and development—that is happening now in Bedfordshire—and then what happens? The development of housing estates is allowed on appeal. We have seen that happen time and again, with poor planning and without the necessary infrastructure. Housing estates have been tacked on to towns and villages, putting existing populations under considerable stress. We can and must do better. We must learn from past mistakes and adopt a measured approach to planning—a master plan approach—rather than whipping up ridiculous campaigns based on ignorance and fear. Marston Vale and Bedford deserve that.

We are talking not just about higher energy-efficiency standards but about schools, shops, jobs and—especially important—affordable housing. There are 2,600 and nearly 3,000 people on the housing waiting lists in the Bedford Borough council and Mid-Bedfordshire respectively, and there are many other people in housing need who do not appear on the lists. The number of affordable houses being built to meet those people's needs is totally inadequate: 160 new units have been built per year in Bedford, and half that number in Mid-Bedfordshire.

The DCLG document "Eco-towns: Living a greener future" suggests that at least 2,000 affordable homes could be provided in Bedford and Marston Vale. I think that that ambition needs to be notched up, because more than 2,000 homes are needed. I think we should aim for about 5,000. Inadequate housing choice is a serious local problem in Bedford as well as in Mid-Bedfordshire, as the figures show. It is one of the most significant issues raised in my case load.

Similarly, we have heard that because unemployment is low in the area, there is no need for jobs for the future. That is absolute nonsense. Serious economic analysis of the requirements in Bedfordshire shows that although wages there are above average, the better paid and more highly skilled jobs are taken by those who commute to London, Leicester and other locations to the north. Local jobs tend to be low-skilled and low-paid: warehouse jobs, for instance. We desperately need for the future a range of—

Mrs. Dorries: Jobs.

Patrick Hall: —adequate, better-paid—

Mrs. Dorries: Jobs.

Patrick Hall: —skilled jobs, which would also provide a more sustainable way of living than having to rely on commuting.

I hope that the House, and local communities and councillors, will want to make progress on this matter, whatever we choose to call it. I hope that Members and others will concentrate on good planning rather than becoming exercised about the label. What we need from the Minister as soon as possible is some certainty and clarity. The number of proposed new houses has been quoted as between 14,000 and 30,000. We need to have more precise information, so that communities can work on the basis of that knowledge and discuss their future in a measured way, while being properly consulted. That will help to raise standards in an area that has been neglected for far too long, to increase environmental capabilities, and to meet housing needs that have also been neglected for far too long.

I see this as a positive opportunity, not as something to be negative about.

1.7 pm

Lembit Öpik (Montgomeryshire) (LD): I am pleased that we heard more from the Minister than we have heard before about the strategy behind the eco-towns. I shall say more about that shortly, but first let me praise the hon. Member for Welwyn Hatfield (Grant Shapps) for his entertaining, interesting and passionate speech. He is a good speaker and a good friend, and indeed a fellow pilot. I think that, in the interests of consistency, he and I should be the first private pilots in Britain to power our aircraft entirely on biofuels. In the spirit of friendship I shall let him go first, and if his aircraft works properly I shall follow suit.

What concerns me slightly is that although the Conservatives are good at complaining, they are not very clear about what they would do themselves. Perhaps we shall hear more from the hon. Gentleman's colleagues when they catch your eye, Madam Deputy Speaker.

As the hon. Member for Bedford (Patrick Hall) suggested, by referring to "eco-towns" the Government risk being accused of gimmickry—reasonably, in my view. Every new house that we build should be eco-friendly. The Minister was honest when she said that the aim of the eco-town strategy was really to address the housing shortage and promote economic growth. I agree with that but, as has already been said, if we are to have a carbon-neutral Britain we must recognise that the overwhelming majority of homes that will be inhabited in 2050 have already been built. I assume the Minister meant—and I think it a useful clarification—that what are being called eco-towns are, in effect, primarily an effort by the Government to use innovative technology to deal with the housing crisis.

Grant Shapps: The houses need to be code 6 rather than code 3.

Lembit Öpik: The hon. Gentleman is right. There is a contradiction in the conditions established in the eco-town project. If the Government are to use eco-towns as probing technology, the houses need to be code 6 rather than code 3. The Government need to show more courage in that respect.

I suspect that the Government have been rather ambitious in this context. At present there are 12 carbon-neutral homes, all of them built by Barratt. That means that achieving the Government's carbon-neutrality target by 2016 would require a 200 million per cent. increase in zero-carbon housing stock. I look forward to hearing how the Government intend to achieve that 200 million per cent. increase. I hope they do, but it is a tall order.

In addition, rather than concentrating on new build in greenfield sites, what about the 675,000 empty homes in England alone? Why build on greenfield sites when we could find a cheaper solution, even if we zero-carbon retrofit those houses? The public consultation has, in the view of many, been a near sham. It is not just a question of middle-class nimbyism accusations—that would be unreasonable on this occasion. It is a fact that many people from across the social strata have complained that these proposals have not been thought through. Fifteen thousand local people signed a petition against the Penbury site in Leicester. I declare an interest, as it is to be built on Leicester airport. I am very concerned that if that is done I will not be able to visit my mum. I offer the Minister the opportunity to fly with me, and perhaps with the hon. Member for Welwyn Hatfield, to have a look at the glories of Leicester airport and what will be lost if it is built upon.

Mr. Garnier: A correction: it is not in Leicester, but in rural Harborough.

Lembit Öpik: I apologise to the hon. and learned Gentleman, who has my full support, for relocating his constituency into the city of Leicester.

The Government do not seem to have understood the importance of vehicles in the new town proposals, because unless there is to be some utopian change in public transport, it seems almost inevitable that these towns will prompt a massive increase in driving rather than an improvement in eco-friendly commuting.

David Howarth: Is my hon. Friend aware that the only land owner interested in the Hanley Grange site is Tesco? When Tesco was challenged on the public transport problems of the site, it apparently suggested that the residents of the new town be charged for leaving the new town. That is a most extraordinary proposal: being trapped in Tesco-town. It is becoming more like "The Truman Show" every day.

Lembit Öpik: I was aware of that, but only because my hon. Friend told me a few minutes ago. It is a good line and if this were "I'm Sorry I Haven't A Clue", he would get an extra point. But I still have the Floor. On that point, it looks as though the economic potential for profit making from these eco-towns has not been lost on large developers. That is fair enough, but once again it underlines the reality, which is that this is not about the environment but about securing extra housing to resolve the housing shortage.

I mentioned the Penbury example and we will probably hear more about that when the hon. and learned Member for Harborough (Mr. Garnier) speaks. I am pleased that the Minister goes to listen directly to the concerns. She said that she would visit all the locations. I welcome that; it is a helpful commitment.

Where do we go from here? First, all new housing should be eco-friendly. I am in discussions with Powys county council to see what I can do to make my house code 6. It is very expensive, but unless we make the investment in technology now we will not achieve any of the Government's environmental targets for housing. Secondly, we have to be careful that despite the credit crunch and the looming housing crisis in economic terms, the environmental commitments that the Government have made on our behalf, rightly, are not abandoned. In this sense, I am concerned that we could have code 3 houses in what sounds like a code 6 project. I do not really understand how the Minister can reasonably use the phrase "eco-town" if some of those houses are to be rather worse than what Barratt is building already.

Caroline Flint: The hon. Gentleman makes an important point. There are currently only two code 3 houses—[HON. MEMBERS: "No."] If I could finish, please. Therefore, our aspiration for code level houses is very important. These towns will develop over time, so other building regulations or conditions will come into play. However, they have to demonstrate in their plans that they will be zero-carbon across the whole development. That is very important in looking at the definition of zero-carbon and how the energy supply will contribute to the built environment of the homes we create. That is a practical and important matter that we are discussing with the building industry.

Lembit Öpik: I am pleased to hear the point about carbon neutrality. That is something I have been looking at as well. I hope that on another occasion we can discuss in more depth what it means to achieve code 6 and whether it is reasonable to have entire communities like that, or whether we should set the individual targets for individual houses to achieve code 6.

Grant Shapps: Has the hon. Gentleman, like me, gone round the country visiting the many code 3 houses that are currently being built?

Lembit Öpik: There are many code 3 houses being built, but it is not that difficult to get to code 4. It gets challenging after that. On another occasion, we should perhaps have a debate about this very question: code 6 for an entire community or for individual houses?

My concern is that we might lose the commitment to the environment because of the pressures on the economy. I implore the Minister to give an assurance, now or later, that the Government will not throw out the challenging and, let's face it, expensive objective of a zero-carbon Britain. Barratt is suffering the greatest-ever decrease in orders, even worse than in 1990. Nevertheless, it is a willing and co-operative partner in the grand project of fulfilling our environmental commitments.

[Lembit Öpik]

I would hate for the first casualty of any potential recession to be the commitment that we should all embrace: that of having a zero-carbon country. To engineer a climate for building while destroying our climate for living would be something for which our successors would not forgive us. The Government are on trial to see how serious they are about their environmental commitments on housing. If they do well, they will have the co-operation of the Liberal Democrats. If they do not, it will be disappointing to see a noble intention descend into an uncompleted gimmick.

1.17 pm

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): First, I draw attention to the interests declared in my entry in the Register.

The case for new towns as part of overall housing provision is a very strong one. My right hon. Friend the Minister for Housing made the case for the need for additional housing provision to satisfy the problems of under-provision for many years and to ensure that the full range of people, including those needing affordable and social housing, will be catered for. We are going through an extremely difficult economic situation, to which the hon. Member for Cotswold (Mr. Clifton-Brown) referred. I say to him that by the time the eco-town programme is coming on stream, I hope that we will be out of that recession and that the approach that the Government are adopting—rightly trying to ensure mixed communities with elements of affordable and social housing as well as market housing—should ensure the successful implementation of the programme in what we hope will be a revived market.

During the lifetime of the Government, there has been an important shift in the focus of housing development towards brownfield sites and inner-city regeneration. I applaud that. It has been a success, as I can see in my constituency: on the Greenwich peninsula we are in the process of building a new community that is of exactly the same size as an eco-town and will have exactly the same qualities of very high design and environmental standards. It will be a mixed community and an exemplar of good development.

That is splendid, but development just in our existing cities, avoiding any further development on greenfield sites, will not be sufficient. There will be a need for some greenfield development. The question is how we plan that and whether we do it well and cleverly to ensure that those developments are attractive and sustainable, or whether we follow the pattern of the Conservative party in government of leaving it to the market. We saw the consequences of that throughout the 1980s and early 1990s, when there was a rash of badly planned developments of very low density on greenfield sites, making profligate use of land without sufficient numbers of people to sustain local bus services or local shops and thereby ensuring that they were not sustainable. That is exactly what we should avoid, and the Conservative party should be ashamed of its record in government. The Conservatives should be more constructive than the hon. Member for Welwyn Hatfield (Grant Shapps) about the Government's plans to ensure a more intelligent approach towards new housing development.

As a country, we have a very distinguished record in encouraging high-quality planned developments, both in the UK and overseas. The post-war generation—the 1940s generation—of new towns set exemplary standards for better housing for people who were being moved out of very crowded city slums. In the 1960s, there was a further generation of new towns. Although they were not all successful, a number of highly successful, attractive new communities were created. I am thinking not only of towns such as Milton Keynes, but of towns that were expanded, such as Peterborough and Northampton. There is a lesson in that, to which I shall return in referring to urban extensions.

Since those successes, our planners and urban developers—our experts—have been contributing internationally to planned new settlements throughout the world; indeed, they are in the lead in many parts of the world. For example, Arup is developing the Dongtan eco-city in China to very high standards. It is, thus, extraordinary that a country that has that proud record of new town development and great expertise in the field has not designated any new towns since the 1960s. No attempt has been made since then to designate new urban developments. One might say that the Thames Gateway has been an urban development—I could make a case for it being a new city—but, with that one exception, there has been no planned new development in this country. It is entirely logical that we should be planning some new developments, to exemplary standards, to ensure that we meet the full range of housing need in ways that demonstrate that good development is not necessarily a blot on the landscape and can enhance the environment and create a fine living environment for people. In the same way as that is being done in my constituency in an urban environment, it can be done elsewhere too.

I do not agree with all aspects of the implementation of the eco-town proposals, and I shall highlight one or two areas where I think the Government need to have further thoughts. However, I applaud their positive approach, and I contrast it with the negative carping approach that we have heard from the Conservatives. They are only too willing to criticise, to pick holes, and to try to mock and make fun, but they are not willing to make any sensible, concrete proposals to improve living conditions.

In an intervention, I raised with the hon. Member for Welwyn Hatfield the question of affordable housing quotas. He had expressed concern that a reduction in the affordable housing quota was expected in eco-towns, so I asked him about his discussions with the Mayor of London. He was notably silent on that. We know that the Mayor of London is seeking to reduce the affordable and social housing content of housing in London. If the hon. Gentleman was serious and responsible about such housing, he would be telling the Mayor of London not to do that and to ensure that the London plan commitment to affordable and social housing is maintained. In the absence of the hon. Gentleman's doing that, no one will give any credence to him on this issue.

In conclusion, I shall turn to the areas where I think the Government have not got things absolutely right. It was a mistake to make an invitation to tender, as that allowed a number of entirely unsuitable proposals to be made. Some of them risk damaging the concept of eco-towns, because they were not proposals for eco-towns;

they were old development plans that were simply pulled out of the back drawer and attached to a green label to try to make them attractive. I am pleased to say that the Government have recognised that. They are now being far more selective in their approach, but I think that they made a mistake at the start.

Secondly, it was a mistake to focus only on freestanding new developments and not to consider the scope for urban extensions. Sustainable urban extensions have a role to play. Indeed, as I have highlighted, in the 1960s generation of new towns, the development of Peterborough and Northampton involved highly successful extensions of existing towns, rather than new developments such as Milton Keynes, which was a greenfield city. We can and should take both approaches, and there is scope for sustainable urban extensions as part of this programme.

Thirdly, it was foolish to say that there should be one eco-town in every region, because they should be located where they are most needed and where they are most likely to work. The Government have rightly moved away from that approach now. A deplorable article in *The Sunday Times*, which showed all the faults of a clever journalist who makes fun copy but makes no logical sense, criticised the fact that three of the possible eco-towns are in the south-east region, on the grounds that the south-east region is already full up. The south-east region is the one place in the country where there are the greatest pressures, so we must be intelligent about how we respond to them. We need to be selective and to focus eco-towns where they are required.

Finally, the Government have made a mistake in the lack of clear governance arrangements and financing to ensure successful implementation over a period of years. The earlier new town programme had a development corporation framework and a funding stream. I ask my right hon. Friend the Minister to consider those issues, but I applaud the Government's general approach.

1.25 pm

Mr. Edward Garnier (Harborough) (Con): I welcome the final few paragraphs of the speech made by the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), because if he were to apply the principles that he has just set out to the site in my constituency—the Co-operative Wholesale Society calls it Penbury, but everyone else calls it Stoughton—the Government would simply not plonk a town of 40,000 people down in the middle of rural Harborough. The sustainable urban extension idea, which he mentioned, is a good one. Where does the county council suggest that such an extension should go? It suggests the north and west of the city of Leicester, where the infrastructure—the motorways and the airport—exists and the employment is required.

In my constituency, 748 people are unemployed. The Co-op, which is the main driver behind the proposal, originally said that it wanted to bring 12,000 new jobs—it now gives a figure of 14,000—to the area, but although that is doubtless a wholly altruistic intention, this is not a place where the jobs are needed. If one wants to supply jobs to the east midlands, I suggest that the middle of rural Harborough is not the place to do it.

I am grateful to the hon. Member for Montgomeryshire (Lembit Öpik) for paying regular visits to my constituency and for his views on the suitability of that particular site. My hon. Friend the Member for Welwyn Hatfield (Grant Shapps), who speaks from the Front Bench, has also visited the site, and his opinions on its suitability are well known locally and have much approval.

Today, I received a written answer from the Minister for Housing stating:

> "I am currently planning a programme of visits to all the shortlisted eco-town locations over the next couple of months, and this will include the eco-town site at Harborough. At least two officials in my Department have visited the proposed site."

I only wish that I could have a copy of their notes on the meeting and their conclusions, because I suspect that, having been to the site, they will have realised that it is not the greatest place on which to dump a town of 40,000 people.

The site is convenient because the Co-op owns about 5,000 acres and attached to it are about 400 acres belonging to English Partnerships. However, it is all farm land, but for the runway strip, which was mentioned by the hon. Member for Montgomeryshire. The site is not genuine brownfield land. The only genuine brownfield land that can be attached to the site is the very popular airstrip, which is used by an aero club and by business men flying in and out of Leicester in their small private aeroplanes.

It would be absurd to treat the site as brownfield land, because it is not a disused Royal Air Force station in the proper sense of the word and, so far as English Partnerships is concerned, it is not a disused hospital. It is farm land for as far as the eye can see, and using it for an eco-town would be outrageous, as I hope the Minister will agree when she visits. I hope that she will give us proper notice of her intention to visit the site, so that we can bring the relevant people to meet her—a number of people would like to exchange views with her about the site.

There are 62,700 hectares of brownfield land in this country, of which 26,000 are suitable for housing. At a density of 40 homes per hectare, that would provide more than 1 million new homes. If approved, eco-towns will, as we learnt a little earlier, supply only about 75,000 new homes. That is a very small percentage of the requirement for new homes. When the Government consider the site in my constituency, which I share with my hon. Friend the Member for Rutland and Melton (Alan Duncan), I urge them carefully to consider what they think brownfield land is and whether the site is appropriate for any development, let alone for a so-called eco-development.

I appreciate that it is tempting to go for the easy shot, with one large landowner. It is a complete coincidence that the Co-operative bank happens to be providing the Labour party with an overdraft of £13.5 million. That is not relevant to this issue, but it is causing misunderstanding—shall we say—in my constituency and I hope that it can be put well aside.

In relation to the effect that the proposed development will have on the rest of my constituency and the city of Leicester, I understand that the transport spokesman for the city said that it would support the scheme if it could have a tram system. However, the cost of an 8 mile tramline in Edinburgh will be some £750 million, or £1,500 an inch. To achieve the same result between my constituency and Leicester—5 or 6 miles—it would cost £500 million just to build the tramway, and would

[Mr. Edward Garnier]

not take into account the compensation costs for houses that would have to be knocked down along the route. It would cost some £1,750 per inch. The area is already congested with road traffic, and to relieve pressure an expensive road would be needed from the site to the M1—a distance of about 20 miles—and that would cost the thick end of £1 billion.

Time is short, but I have much to say on this issue. I have said it before in an Adjournment debate on 29 January and in Westminster Hall 10 days ago. Extracting facts from the Government and the developers is like pulling teeth. It is time that the Government expressed themselves coherently and gave the public in my area the real facts about what they intend to do to us, because at the moment there is massive uncertainty, massive disappointment, and massive opposition—not to eco-towns, but to this particular development.

1.32 pm

Sir Peter Soulsby (Leicester, South) (Lab): It is a pleasure to follow my neighbour, the hon. and learned Member for Harborough (Mr. Garnier), many of whose concerns I share. Before I mention those concerns, however, I wish to say a few words of welcome for the concept of eco-towns. I am provoked to do so by the hon. Member for Welwyn Hatfield (Grant Shapps), who expressed again today the Tories' concern to pay lip service to the need to build more houses while opposing specific schemes whenever they emerge, whether under the banner of eco-towns or not, thus preventing such development from taking place.

The hon. Gentleman was very negative about the percentage contribution that eco-towns would make to overall housing need and, at the same time, inconsistently concerned about the impact of lorries and the construction involved in building the eco-towns. The hon. Gentleman revealed the Tories' true attitude on this issue.

Eco-towns as a concept are to be welcomed, and they will make a significant contribution to housing need. Most hon. Members hold surgeries and so will be aware of the desperate housing shortage up and down Britain. Eco-towns will contribute to meeting the needs of young families, the need for affordable housing and, especially, the need for social housing for rent. However, eco-towns are even more important because of the opportunity they provide to show how sustainable communities can be developed. It is not only the individual houses and the code—one hopes that they go beyond code 3—but the opportunity to develop communities and consider issues such as waste, water supply, the disposal of sewage, the provision of community facilities and, especially, transportation within communities. That goes beyond the standard to which individual houses are built.

We should welcome the opportunity—as previous generations did with garden cities and new towns—to showcase the best of development by responding to the needs of climate change and experimenting, to pick up the word used by the hon. Member for Welwyn Hatfield. We should be proud to experiment, and I welcome eco-towns for that reason.

Having made those positive comments, I must say that I share many of the concerns of the hon. and learned Member for Harborough about the Penbury proposal. It raises issues that will be equally applicable to other eco-town areas. It is clear that the proposers of the scheme have not yet demonstrated that sufficient employment will be provided in the area to meet the needs of the population that will be drawn there, without it becoming merely a dormitory town for the nearby city of Leicester.

Nor have they yet produced credible plans for transportation. No matter how much employment is contained within the area, many people will want to travel into Leicester and, with the A6 and A47 already overcrowded, that would exacerbate the problems. It will not be enough for the Penbury developers, or those elsewhere, to hope that some local authority or other agency—such as the Government—will provide funding for a tram scheme, which would be very expensive, to provide a solution to the problem posed by what are at the moment incredible proposals.

The third area of concern is the potential impact that the Penbury scheme would have on the regeneration of Leicester and the existing proposals for development elsewhere in the central Leicester area. There is a real prospect that the Penbury scheme will draw investment from brownfield sites in Leicester and elsewhere and will have a significant detrimental effect on the regeneration of that city.

My final concern is that, if the scheme were to go forward through the normal planning process, it will significantly exclude the major area that will be most affected, which is of course Leicester. The proposed developers are working closely with the city authorities, but were the proposals to go just through the standard processes, there would be real concerns about the impact on Leicester and how the local authority could continue to be actively engaged in the process of development.

In conclusion, I welcome eco-towns if they are to be truly sustainable communities. I welcome the Minister's process of engagement with local communities and the prospect of eco-towns providing affordable housing and social housing for rent. However, those who propose Penbury and, I guess, other similar developments still have several difficult questions to answer. Until we have satisfactory answers, we cannot say that the Penbury proposals, or those for other eco-towns, would be acceptable.

1.38 pm

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): It was interesting to hear the hon. Member for Bedford (Patrick Hall) describe a Bedford that I failed to recognise. However, as I wish to keep my remarks short so that my colleagues can speak, I shall not rebut the comments he made about transportation, the need for homes, the location for the proposed development, the lack of available jobs or the lack of growth in the area. I recognise the need for social housing in his constituency and in mine, but I suggest that people do not want to travel from Bedford to Marston Vale when there is no transportation and no jobs for them to go to. Instead of having 20,000 homes miles from where anybody else lives and where there is no opportunity for employment, we should look at regenerating areas in both constituencies, which already have good transport links, doctors, schools, shops and employment. The homes should be built in those areas, instead of having an eco-town on the outskirts of both constituencies.

The Minister came to visit my constituency on Monday and we are very grateful for that. If there had been more extensive and in-depth consultation with local residents, the Minister might not have experienced the welcome that she did. People are very angry, and I think that the Minister gathered that. We did not know about the Minister's visit—my office was informed at 4.55 pm on Friday—

Caroline Flint: That is not true.

Mrs. Dorries: It is absolutely true. We received a telephone call to say that the Minister would be visiting on Monday afternoon at 1 o'clock. I was promptly also told that I would not be invited to the meetings—with the developers who are to build on the proposed site and with local councillors and representatives of the local authorities—as they were private. However, the hon. Member for Bedford was invited to my constituency for that meeting. Another phone call quickly changed that—I hope that none of my hon. Friends ever has such an encounter. Thankfully, it was sorted out and I attended the meeting.

I am sure that the Minister, like me, was perhaps slightly unimpressed with the proposals put forward by the developers. I was looking for a vision, but all we got was the story of a proposal that did nothing to inform us about how the properties and developments would qualify for the "eco" credential. There was nothing eco about the proposals.

The town in Marston Vale will include 20,000 homes for about 40,000 residents. There are no new jobs, as we have zero unemployment in the area. One reason that I championed the Center Parcs proposal was to mop up the 1,300 job vacancies that we had. As the mayor of Bedford points out, he has brownfield sites all over Bedford and no employers queuing up to build on them.

It would be true to say that we have almost zero growth in the area and 20,000 new homes mean that 40,000 new people will get into their cars and commute into London along the M1, but the M1 widening scheme has been halted and put on the back burner while it is reconsidered. The same is happening with the rail networks. The Minister informs us that there will be an east-west rail network, but a Transport Minister says that that is still under discussion. Two Departments have different stories about what will happen to the east-west link.

It is not just about the jobs. This eco-town will completely surround and swamp local settlements. Local people do not want that. They have an absolute right to say what should happen to their local environment, how it should function and look and whether they should have these 20,000 homes, which they feel are landing out of the sky right on top of their settlements.

There are no available jobs in the area so people will have to commute to London and will get into their cars. What is sustainable about 40,000 people having to travel 50 miles into London? There are also problems with the infrastructure and the schools. We have good schools in Bedfordshire already, which are looking to use the Government's legislation to expand and to grow to meet the needs of the areas that they serve. Will we see huge numbers of schools built to meet the needs of those 20,000 homes? I have heard nothing about education or health needs being met. We have terrific problems with Bedford hospital, which is struggling to survive and to serve the community at the moment. How on earth will it take on another 40,000 residents in the neighbouring constituency?

Some of my colleagues have not had a chance to speak to the Minister, and I had a chance to speak to her on Monday, so I merely want to make my four points again. Local people are unhappy. We do not have an unemployment situation in Bedfordshire. We do not have the infrastructure to support a new town. The transportation is not only far from satisfactory, but entirely unsatisfactory to meet the needs of the proposal.

1.44 pm

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): The proposed Ford eco-town is a 350 hectare site on which developers propose to build 5,000 houses on ancient and beautiful Sussex countryside that is valued by my constituents in Littlehampton, Middleton-on-Sea, Felpham and Bognor Regis. That is why it is opposed by Arun district council and all the town and parish councils in the area, and why 1,500 people marched on Saturday 7 June against the proposal. The site is 87 per cent. greenfield land and the majority of the remaining 13 per cent. is farmland in the curtilage of the airfield, which is why it is technically regarded as a brownfield site.

What has concerned me most about the proposal is the poor ethics of the construction company, Wates Developments, which is part of the Wates Group. The introductory section of its prospectus for the eco-town states on page 3:

"Ford Airfield is a 360 hectare site comprising brownfield land between Littlehampton, Bognor Regis and Chichester".

That sentence clearly conveys the impression that the 360 hectare site is made up of brownfield land when it is not—it is 87 per cent. greenfield.

I am also concerned that the Government are setting a new precedent in planning by publishing planning policy statements that are location specific, thereby removing any local discretion over the siting of new developments. Planning policy statements have always been issues of general principle and not diktats from central Government about particular developments.

My final point is about the fact that the Government have said that Arun district council needs to meet its social and housing needs. It is not true that it has not. Some 13,000 houses are being built in Felpham and Berstead, 30 per cent. of which are affordable, and Arun district council's core strategy preferred option documents have allocated sufficient land to provide at least 9,500 houses, of which between 30 and 40 per cent. will be social housing.

I hope that Ford will not appear on the final shortlist of eco-towns.

1.46 pm

Nick Herbert (Arundel and South Downs) (Con): I add my concerns to those expressed by my hon. Friend the Member for Bognor Regis and Littlehampton (Mr. Gibb). The tiny village of Ford lies in my constituency and is shortlisted to have an eco-town with 5,000 houses. That would make it by far the largest settlement in my constituency, irrevocably transforming the countryside and the small villages around it.

[Nick Herbert]

My hon. Friend made a point about the misleading claims made by developers, and I want to reinforce that point to the Minister—this is not a brownfield site. It has been described as Ford airfield, but 87 per cent. of the land is greenfield. When the Minister comes to visit—I welcome her visit and hope to join her—she will see that it is largely beautiful open countryside at the foot of Arundel. It is of agricultural importance and is prime farmland. It is not, in the main, brownfield land. According to the figures, that makes up only 13 per cent. of the site and even less if one accounts for what is actually farmed. That is why the Campaign to Protect Rural England, although it supports the policy of eco-towns in general, has said that Ford is not an appropriate site.

My main point is simply about local democracy. This is not an argument about the need for more affordable housing. We all recognise that, and Arun district council recognises it. Some 58,000 new houses will come to West Sussex over the next 20 years, and 11,300 of those will be in the Arun district. That number has already been upped by 2,000 from the recommendation of the South East England regional assembly, and it could be increased still further. Who should decide where these houses should go?

Caroline Flint: Will the hon. Gentleman give way?

Nick Herbert: No, I cannot; I am sorry, but I do not have the time. The Minister can perhaps answer later, but I put it to her that Arun district council, the elected local authority, should decide where these houses should go. That decision cannot sensibly be imposed by Government simply because developers, who have been wanting to develop the site for years—from well before the concept of eco-towns was even thought of—believe that they can impose their views above those of the locally elected representatives.

Arun has already provided for a large number of affordable homes over the next three years—about 700, which is much more than has been claimed. That will go a long way towards providing the 2,000 homes that would be provided under the eco-town proposal. Let us leave these decisions to locally elected planning bodies. It is wrong in principle and will result in the wrong decisions if these decisions are imposed from on high by the Government.

1.49 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): Now I get to play "Just a Minute". Will the Minister please designate an eco-town in my constituency? Northstowe should have been the first eco-town and should now be designated as an eco-town. I talked to Sir Bob Kerslake from the Homes and Communities Agency last Friday and he said that the principal objection was that zero-carbon homes could not be built starting from the end of 2009. The Minister says that that is not required. The agency proposes level 3, but the local authority is asking for level 4.

Secondly, the Minister says that the process should be based on local planning procedures. On 3 April, she published a consultation document, to which we will respond. In mid-May, the Government published the regional spatial strategy for the east of England, which sets out a sequential development test for the Cambridge sub-region that clearly prioritises Northstowe, and the urban extensions to Cambridge and the market towns, over a new settlement. If we are following the planning process, it seems obvious that the proposal at Hanley Grange should have been ruled out by the Government at the outset.

1.50 pm

Caroline Flint: We have had a good discussion. I have heard many reasons why we should not have eco-towns, but I have not heard much from Opposition Members about an alternative to eco-towns that would allow us to meet housing need in communities; that has not been forthcoming.

Helpful points were raised by some Opposition Members, and by the Liberal Democrat spokesperson, the hon. Member for Montgomeryshire (Lembit Öpik). Thoughtful points, which I will take on board, were also made by colleagues from my party. The fact is that we need homes, but they need to be cleaner, green, and built in more sustainable communities. My ambition is to deliver those homes, and that is what I will try to do.

It being one and a half hours after the commencement of the proceedings, the motion lapsed, without Question put, pursuant to the Temporary Standing Order (Topical debates).

Defence Procurement

[Relevant documents: The Fifth Report from the Defence Committee, on Ministry of Defence Annual Report and Accounts 2006-07, HC 61, and the Government Response, Fifth Special Report from the Committee, HC 468, and the Tenth Report from the Committee, on Defence Equipment 2008, HC 295, and the Government Response, Seventh Special Report from the Committee, HC 555.]

1.51 pm

The Minister for the Armed Forces (Mr. Bob Ainsworth): I beg to move,

That this House has considered the matter of defence procurement.

May I start by expressing my deepest condolences to the family and friends of Corporal Sarah Bryant of the Intelligence Corps, Corporal Sean Reeve, Lance Corporal Richard Larkin and Paul Stout, who were tragically killed in an explosion during an operation east of Lashkar Gar on Tuesday? Their deaths are another stark reminder of the sacrifices that our people are making on our behalf. We must never forget them, nor must we allow their sacrifice to go unrecognised.

In my first year in post, I have been increasingly impressed by the men and women of our armed forces, who are doing an outstanding job while deployed on operations around the world. I have seen their dedication and resourcefulness at first hand in Iraq and Afghanistan. They are, quite simply, outstanding professionals, and I know that the House will join me in paying tribute to their dedication and commitment. They are the best in the world and we are lucky to have them.

Over the past few years, we have focused on providing our people with the best possible support on current operations. Providing them with the right equipment is essential if they are to do the job that we ask them to do. Since current operations began, we have spent more than £3.5 billion, through the urgent operational requirement process, on equipment to do just that. The money comes direct from the Treasury reserve and is additional to the Defence budget, which is 7.5 per cent. higher in real terms than it was in 1997. The recent Defence Committee report on defence equipment recognised that effort, and praised the speed with which we are delivering, through the UOR process, substantial amounts of vital equipment to our armed forces on the front line. Those efforts are also recognised by the most important audience of all: the troops themselves. According to Brigadier Carleton-Smith, currently commanding 16th Air Assault Brigade in Afghanistan,

"each soldier is much better equipped than he was in 2006 when the Brigade last served in Helmand. I doubt whether the British Army has ever put a brigade into the field as well equipped as 16 Brigade and it continues to improve with each deployment. The next brigade will probably be even better equipped."

Mr. Philip Hollobone (Kettering) (Con): The Minister rightly paid tribute to the servicemen who recently lost their lives in Afghanistan. I know that the Snatch Land Rover has limitations, but what more can be done to offer our troops protection when travelling in those vehicles? One suggestion is that a device could be fitted that would intercept mobile phone signals, which can detonate improvised explosive devices. Is that sort of measure being considered by the Ministry of Defence? We will need to carry on using the Land Rovers, but surely more protection can be provided.

Mr. Ainsworth: I thank the hon. Gentleman for his point. It is early days; the tragedy occurred on Tuesday and will need to be looked into in detail. Yes, the people concerned were in a Snatch Land Rover, according to the information that I have received so far. Another vehicle—a Mastiff, for instance—would not have been suitable for the task they were doing in the area where they were required to work. Electronic countermeasures—the kind of capability that the hon. Gentleman talks about—are already fitted to Snatch Land Rovers, and I am told that they were fitted to the vehicle in question. Of course there needs to be a full investigation, and we need to look into the detail of the tragedy, as I am sure we will. We must learn any lessons that there are, and we cannot do that overnight. That is the extent of my information so far, the tragedy having only just occurred.

Mark Pritchard (The Wrekin) (Con): Without going into too much detail, is the Minister confident that the configuration of the signals capability of our front-line troops fits well with the electronic countermeasures?

Mr. Ainsworth: The hon. Gentleman says, "Without going into too much detail," and then asks me a highly technical question that can be answered only in time, after investigation. We have to use every incident as an opportunity to learn lessons, if we are to minimise the tragedies that will inevitably occur from time to time and minimise the impact on our people. Those issues will need to be considered.

Equipment procured from our core budget has played a critical role in current operations. Platforms such as Harrier, Tornado, Warrior, Bulldog and Viking were procured with very different operational circumstances in mind, but they continue to prove their worth on current operations, giving the lie to the accusation that such high-end capability has no value in the complex operational situations that we face in Iraq and Afghanistan. Those platforms can be used across a range of operational scenarios; that has been proven in combat in the past few years. There will continue to be a place for such high-end capability in our future procurement plans.

UOR procurement is rightly designed to deliver capability to meet the threats that we face in current operations, but we have to use our core budget to ensure that our armed forces are properly equipped for every eventuality, not just current operations. We need to strike a balance between the concrete needs of operations today and the risks that we might face tomorrow. Used properly, those two funding streams should complement each other. Whereas our core budget provides an equipment package that will act as a national insurance policy, the UOR process allows us to tailor and supplement that equipment package to meet immediate and unforeseen threats.

Our last planning round focused on the near-term issues facing the core equipment programme. We now need to take a closer look at our medium-term plans and concentrate them further on supporting operations, in line with our commitment in the national security strategy. That is why we are undertaking a short examination of the equipment programme to look at our planning assumptions over the next 10 years. The examination will take in the whole equipment programme, within the context of our basic defence policy. We are doing that because priorities can change, particularly as a result of our experience on operations.

[Mr. Bob Ainsworth]

Our estimates of the cost and phasing of expenditure change, too. That is why we have set ourselves the following key objectives: to adapt to rising costs, to shift the balance more towards support for current operations, and to do more for our people. It is simply sensible planning to re-examine our priorities in the light of operational experience and changing spending profiles. The examination will be an important input into the next planning round.

Mr. James Arbuthnot (North-East Hampshire) (Con): The Minister just referred to the last planning round. Which one was it? Has planning round 2008 merged with planning round 2009?

Mr. Ainsworth: The planning round is complete. Planning round 2008 is complete. Planning round 2009 needs to commence. The short examination that we are now undertaking will effectively inform the next planning round, which is the planning round for 2009. There were difficulties and, as I said, we concentrated on the short term in planning round 2008. We now need to take a longer look because of the spending profile that we have.

Mike Penning (Hemel Hempstead) (Con): *rose—*

Mr. Kevan Jones (North Durham) (Lab) *rose—*

Mr. Ainsworth: I shall give way to my hon. Friend the Member for North Durham (Mr. Jones).

Mr. Jones: I fully support what is being done, because we need to balance the urgent operational requirements and the kit that we are now buying with the longer-term decisions. That is correct, but may I ask the Minister's civil servants—his Department—to hold their hands up for once and say that things have changed? I tabled a parliamentary question about where the Mastiff fits in the future rapid effect system programme, only to be told this week that it does not. I am sorry, but that answer absolutely contradicts what Lord Drayson and Brigadier Applegate told me and the Chairman of the Select Committee on Defence, the right hon. Member for North-East Hampshire (Mr. Arbuthnot), last year, when they said that the Mastiff was now part of the FRES family of vehicles. I should have thought that that was the correct approach. May I ask the Minister's civil servants, when they draw up the plans, to come back to reality rather than to the old script, which has clearly been ditched?

Mr. Ainsworth: I am going to move on to talk about the vehicle programmes—the current vehicles on operations and the FRES programme. My hon. Friend has made himself quite an expert on the subject, and he knows that we will need to look at how we use Mastiff beyond current operations, so he makes a very valid point.

Angus Robertson (Moray) (SNP): For the sake of clarity, will the Minister confirm whether the Nimrod MRA4 will be part of the short review that he just mentioned?

Mr. Ainsworth: We have to draw the review as broadly as possible. We must look at our whole spending programme, and look at it in the medium term, if we are to have good information that informs the next planning round. We want to draw those bounds as widely as possible and not exclude particular areas. That is not to say that any decisions have been taken that change our intentions towards Nimrod or towards any other programme.

While we carry out the examination, we remain committed to working with industry in line with the defence industrial strategy. We need clarity of purpose, an open working relationship with industry and to retain operational sovereignty where appropriate. We are well aware that over the past few months the uncertainty about our future equipment programme has been unsettling. The equipment examination is designed to give us the clarity we need to move forward with industry, confident that we are heading in the right direction.

There is no better example of how that relationship with industry can work successfully in practice than the naval sector. The maritime industrial strategy has allowed some very effective joint work between the Ministry of Defence and the UK shipbuilding industry, such as the alliance approach being used in the surface-ship support projects. That approach gives industry visibility of future workloads and allows it to plan ahead and adapt its capabilities to meet our requirements. It delivers value for money for defence, and at the same time it helps to ensure that we have a sustainable skills base in our country.

The most recent contract that we awarded was a £9 million contract to Babcock Marine for the standard support period for HMS Monmouth. It will deliver a number of important enhancements to the ship, including an upgrade of her torpedo defence system. There has been a sustained period of investment by the MOD in the UK shipbuilding industry, amounting to £14 billion over the next 10 to 15 years. The recent announcement about the carriers was only the latest in a series of significant naval procurements. We are also bringing into service new Astute submarines, a class of submarine to provide for the future nuclear deterrent, and we are scoping the next generation of surface combatants.

The future of our Navy, and of our naval industrial base, remains secure. But in reality, we do not have unlimited resources. We have to prioritise a range of competing requirements, focusing on the balance between current operations and future capability. That is why I can confirm that we have taken a decision not to take the option to order the seventh and eighth Type 45 destroyer.

The six destroyers that are already on contract will provide a formidable capability. Those ships will be far more capable than we first envisaged, helping to mitigate any shortfall in overall capability. To take one example, their air defence system includes a multi-function radar that is able to track multiple targets and direct high-velocity and exceptionally agile missiles at speeds of up to mach 4. Such technological advances mean that the Type 45 will play a key part in the future force protection package for our high-value ships, such as the carriers.

It has been a difficult decision, but to ensure our future naval capability and maintain the tempo of work for industry, we are bringing forward the future surface combatant programme, which is the long-term replacement

programme for the Type 22 and Type 23 frigates. That decision will result in a steady rhythm of building in our yards—from the six Type 45s, through the future carrier programme and into the surface combatant programme.

Mark Pritchard: Although I agree with the Minister that the new Type 45s' capabilities have been increased, they cannot be in two places at the same time. Given that we face an increased global threat, is he confident that we will have enough ships to do the job?

Mr. Ainsworth: I understand that point, but we have to tailor our resources to the neediest area. I am assured that we have sufficient capability to protect the carrier task force with the Type 45s and other assets. The issue is effectively about defence in depth in respect of deployments and the other available assets. Therefore, the Navy will continue to have the worldwide reach that it will need to project force in different parts of the world—wherever our requirements lead us.

One area where our procurement effort is already heavily shaped by current operations is protected patrol vehicles, whose importance has been brought home to us so tragically today. Through the urgent operational requirement process, we have spent more than £500 million on protected mobility since current operations began. That programme of upgrades has allowed us to ensure that our patrol vehicle package has kept pace with the rapidly evolving threat in both theatres. Our efforts have also been guided by the need to provide commanders with a range of vehicles with complementary capabilities. Commanders on operations face a variety of tasks—from combat to engagement with the local population—in a range of challenging environments, from urban areas, through lush vegetation to open desert and mountains. They need a range of vehicles in order to carry out those tasks effectively.

The new Jackal vehicles were procured under the UOR with the Afghan theatre specifically in mind. Those agile off-road vehicles are able to range effectively over the difficult terrain of southern Afghanistan, and they allow us to engage better with Taliban forces. They emphasise agility over protection; they could not fulfil their role otherwise. However, they complement other vehicles, such as the Mastiffs that we have already deployed, which are heavily armoured but less mobile.

Patrick Mercer (Newark) (Con): I entirely take the point about a mix of vehicles being necessary for protection, accessibility and flexibility for the commander. The fact remains that I was involved in the procurement programme for Snatch some 15 or 16 years ago, and those vehicles were almost over-matched by the relatively benign circumstances of patrolling on asphalt in Northern Ireland. They are entirely unsuitable for operations in Afghanistan. They are there because they are all that the military—the Army, in particular—have got. I understand that this is a difficult equation, but could the Minister assure us that Snatch will be taken from service in Iraq and Afghanistan as soon as is humanly possible?

Mr. Ainsworth: The hon. Gentleman has a great knowledge of military needs and capability and says that he has been involved with Snatch as a capability for a long time. We are seeking all the time to extend the range of vehicles that are available. That is why we announced the new Ridgback—a large, medium-protected vehicle—which we will bring into service as soon as possible. Whether we will be able to take away these small platforms without taking away a whole area of capability will need to be thought about very seriously. Snatch has suffered some considerable setbacks; we have lost lives in Snatch Land Rovers. However, I am being told by commanders on the ground that they still need Land Rover-based platforms—weapons-mounted installation kit, or WMIC, and Snatch—and will do for the foreseeable future. Ridgback will not entirely do that job, because it will not be able to get into the narrow, compounded urban areas in Helmand province, however much we would like it to.

Patrick Mercer: I was recently out in Afghanistan with my old regiment, 1st Battalion the Worcestershire and Sherwood Foresters—which the Government have chosen for some reason to rename—and people were cursing the Snatch Land Rover as wholly inadequate for those circumstances. I completely take the point about WMIC. Can we not therefore have more WMICs or WMIC variants but get rid of this wretchedly inadequate vehicle, which is a death trap to so many men and women?

Mr. Ainsworth: I listen to the same people to whom the hon. Gentleman listens—although I do not have the same personal relationships going back over time and perhaps am therefore not able to have the depth of conversation that he is able to have—so I am aware of some of the opinions about Snatch. However, I have to take military advice. If we were to try to take such decisions in this House rather than leaving them to people on operations trying to do the very arduous job that we have given them to do, that would be the wrong approach. I have to listen to that military advice, and I am sure that he accepts that in principle.

Mike Penning: As someone who was on operations many years ago—many years before my hon. Friend the Member for Newark (Patrick Mercer)—I would say that when people are on ops they will go with what they are given. The soldiers will do what they are told. Operational commanders in the field will use Snatch because that is all they have for that purpose, and that is costing lives. We should listen to what is happening on the ground—not so much from commanders but from servicemen and women, who are losing their lives because of Snatch, and their loved ones. They will use what they are given; take it away, and they will not use it.

Mr. Ainsworth: The hon. Gentleman appears to be saying that there is no basis for a small, enclosed Land Rover-based capability and, in effect, that we will not be able to take vehicles into these kinds of enclosed spaces. We have continually to keep this under review. Mastiff cannot be taken everywhere. I saw that first-hand last time I was out in Afghanistan. I managed to get right out on to the front line to forward operating base Edinburgh and the district centre in Musa Qala, but I was not able to go into the town because the Mastiff vehicles that we were travelling in would have ripped up the roadways and presented a profile that was not in line with the message that we were trying to send to the local

[Mr. Bob Ainsworth]

population at that time. However, our personnel have to be able to operate in the town and to engage with those people.

Mr. Kevan Jones: The conclusion to be drawn from the recent interventions is that my right hon. Friend should ignore what senior commanders say about day-to-day operations and listen to people on the ground. I have some sympathy with that, but I am sure that it would be opposed elsewhere. I have seen Mastiff work in Afghanistan and in Iraq, and it is a great vehicle, but does he agree that there will be situations in both places where people will not be able to have a vehicle that is completely, 100 per cent. survival-proof, because of the weight situation?

Mr. Ainsworth: There is only so much protection that can be built in given the weight ratio. The problem that we have is how to get that capability across the ground, and the only way that I know of is to take the military advice.

Mike Penning: I think that the Minister slightly misunderstood my point, so I will try again. In the 1970s, when I served in Northern Ireland, we had the Land Rover and bolted some protection on to it, and we lost lives. The MOD saw sense, and after a procurement programme we brought in Snatch. It was designed only for Northern Ireland, not for anywhere else. It was certainly not designed for what we are doing in Afghanistan and Iraq, so we need a vehicle that is designed for that. I accept his point that we need mobile vehicles within town structures, but not Snatch. It was not designed for this situation, and the Minister knows it. We must listen to what is happening on the ground, not to the so-called procurement experts in the MOD.

Mr. Ainsworth: We are not listening exclusively to the procurement experts in the MOD. We are listening to commanders on operations—the people who have to do the job that we have given them to do. Snatch was upgraded and refurbished in 2006. I am not decrying the Mastiff, which is a great vehicle. People who have suffered attacks while inside it have a huge amount of confidence in its capability. However, any level of armour can be overcome, potentially including the Mastiff's, and Mastiff cannot go to certain places or do certain things. The hon. Gentleman is saying that we do not have vehicles designed for Afghanistan, but Mastiff was designed and procured specifically with Afghanistan in mind. Ridgback will be more capable than Mastiff—smaller and able to go to places that Mastiff cannot—but it will be considerably larger than a Land Rover-based vehicle.

Patrick Mercer: I am extremely grateful to the Minister for giving way. He is talking a great deal of common sense. There is absolutely no doubt that the sort of improvised explosive devices being deployed in these theatres will take out a tank, if that is what we choose to use. We cannot avoid that. Not wishing to teach the Minister to suck eggs, however, I should say that we had exactly that problem in the southern part of the county of Armagh in Northern Ireland for more than 30 years. Large IEDs were initially used against vehicles such as Saracen and Saladin, and were killing relatively large numbers of soldiers who were packed inside those vehicles. Our solution? We ceased to patrol on wheels or on tracks. We patrolled by helicopter or, more to the point, on good old Shanks's pony. May I suggest to the Minister that there is a solution to this problem, albeit not a complete one? We need more troops and more aircraft.

Mr. Ainsworth: I know that the hon. Gentleman speaks a lot of common sense as well, and there are circumstances where foot patrols are not only far more effective for the job that we want to do, but far safer because of the situational awareness that people have when they are on foot patrol.

Mr. Kevan Jones: Does the Minister agree that the decisions outlined by the hon. Member for Newark (Patrick Mercer) are for commanders on the ground, not politicians sat in the comfort of this Chamber? If my right hon. Friend or any other Minister in the Ministry of Defence were to intercede in these matters, would not Opposition Members be the first to criticise him?

Mr. Ainsworth: Fundamentally, I agree with my hon. Friend, and I have said that, but we cannot refuse to allow a debate to take place in this Chamber on such an important matter. There are Members here today with expertise that they are able to bring to bear on these important issues.

We provide commanders on the ground with a range of vehicles, which allows them to select the platform most suited to the immediate task in hand. The threat that we face on current operations is constantly evolving and we continue to keep our protected mobility requirements under review. That is why the Prime Minister announced in December that we will be procuring a new vehicle type, to be known as Ridgback, to provide 150 medium-protected patrol vehicles, which are lighter and able to access more areas than the Mastiff, but still with high levels of protection to continue to give commanders the choice of vehicles that they need.

Mr. Brian Jenkins (Tamworth) (Lab): We have discussed at great length armoured vehicles and patrols. Are there any vehicles being used by our allies that would give our forces a better alternative and more protection, or are the vehicles we have the best we can manage, and the best in the world for the task they undertake?

Mr. Ainsworth: My hon. Friend asks an important question. Through the urgent operational requirements process, we look not just at what we use and what we produce in this country, but at what is available throughout the world. The Ridgback is an up-armour of an American vehicle, doing precisely the sort of thing that my hon. Friend asks about. It is considered the best. Its potential is at the level of that of the Mastiff, but its capability, in terms of where it can get to, will be greater because of its smaller size.

Looking forward, the future rapid effect system programme will, in the words of General Dannatt,

"form the backbone of the Army's future armoured vehicle requirements".

The provisional selection of the Piranha 5 as the preferred design for the FRES utility vehicle is an important milestone and demonstrates our continued commitment to the FRES programme. The programme will deliver a-

fleet of medium vehicles capable of operating across a range of need. We will ensure that FRES variants are protected against the most likely threats, including mine blasts. That protection will be built into the requirement for the vehicle. The FRES programme will deliver a fleet of vehicles able to go to more places via more varied routes, and to fulfil a greater number of tasks than any protected vehicle currently in our inventory. It will be a truly versatile tool in a commander's armoury. Let there be no doubt: FRES will have relevance to current operations.

We have increased the level of helicopter support that we provide to commanders on operations. Helicopters are, as was said, a key part of the force package, and essential for our forces' in-theatre mobility. That is why, since March last year, we have increased the number of helicopter flying hours we provide in Afghanistan by more than 33 per cent., including increases in Chinook and Apache hours. That uplift has not just been achieved through an increase in the number of helicopters we have deployed. In some fleets, we have achieved the uplift in hours without an increase in the number of helicopters. By driving through efficiencies in our logistics support, capability is made up as much by the people who crew and maintain the platforms and the logistics chain, as it is by the platforms themselves.

I saw that myself during a recent visit to RAF Odiham, the home of the Chinook force. Chinooks are a proven battle-winning capability and have been heavily committed on operations for the past seven years. The men and women of the Chinook force are working as hard as anyone in the military to support our current operations. I was enormously impressed by the dedication of all the people I met, from the pilots who crew the helicopters to those who maintain and support them.

Working with Boeing and the integrated project team in Bristol, the Chinook force has totally transformed maintenance support. In the past three years, it has reduced the time that a Chinook spends in deep maintenance by 45 per cent. and the time for smaller repairs by 59 per cent., through a combination of improvements in working practice and operating with Boeing as closely as possible. Above all, it has kept a relentless focus on what is really important—in this case, the flying hours that we provide to commanders in Afghanistan. That is how it has given us a 33 per cent. increase in Chinook flying hours in the past three years.

That is the future for defence procurement and equipment support—a combination of innovation, focus on results and dedication to team working, hand in hand with our partners in industry. That is the only way in which we can make the improvement that we need in supporting the front line while delivering the best possible value for the taxpayer.

We hear a lot about the failings of defence procurement. With good reason, people home in on our shortcomings; effective public accountability demands exactly that. But let the whole House realise that many real gains are being made. The application of new methods and improved systems have allowed us to improve significantly the equipment that we provide to our troops on the front line. It is our people, often working in very difficult conditions, who must take the credit for those improvements. I hope that the whole House will join me in saluting their efforts.

2.26 pm

Mr. Gerald Howarth (Aldershot) (Con): The tragic deaths of nine British servicemen and women in the past few days should serve to remind us of the critical importance of this, our annual review of the equipment programme for our armed forces. At the outset, I join the Minister in paying tribute to Corporal Sarah Bryant of the Intelligence Corps and to Corporal Sean Reeve, Lance Corporal Richard Larkin and Paul Stout for their sacrifice for our country. We remember today all those who have given their lives in the current conflicts, and we salute their comrades-in-arms, who, despite the loss of close friends and colleagues, do not flinch from continuing to take the fight to the enemy.

Today we are all greatly indebted also to my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot) and his colleagues on the Select Committee on Defence for their valuable contribution in their most recent report on defence equipment. I was privileged to be a member of the Committee, which manages on a cross-party basis to serve its purpose of finding out what is going on and reporting it to the House. It provides us with expert and considered advice, which is appreciated.

Last week in Westminster Hall we had a preliminary discussion, most ably led by my hon. Friend the Member for Congleton (Ann Winterton). As the Minister knows, she has made armoured vehicles her specialist subject. She would have liked to participate today, but she is on parliamentary duties in Westminster Hall as a member of the Chairmen's Panel and therefore cannot be with us.

Although reference has been made to individual programmes, the whole issue of defence equipment procurement, including the process of acquisition itself, needs to be covered. Clearly, our immediate concern must be to ensure that we provide those on the front line in Afghanistan and Iraq with the kit that they need to fight today's war. However, the task does not end there, nor can it. With the certainties of the cold war gone, we find ourselves in a much more complex world in which it is much harder to predict where conflicts will arise.

In my view—as the Minister knows, I expressed it last week in the Westminster Hall debate—it would be a foolish politician who chose to concentrate solely on the here and now and to close his eyes to threats that could arise in the future. We must remember that it is capabilities that count, not intentions. Intentions can change overnight, but capabilities, as we know to our cost, take time to be changed.

It is in that context that we should view, with concern, the Government's relentless run-down of the Royal Navy's surface fleet, from 35 to 22, and falling. In its report, the Defence Committee questioned

"whether it is ever likely"

that the revamped Nimrod MRA4 will deliver the capability needed. As former President, now Prime Minister, Putin expands his arsenal, not least his submarine fleet, should we be cavalier about dispensing with the long-range anti-submarine capability provided by the Nimrod?

On the plus side, we believe that the decision to replace Trident was an example of essential longer-term planning consistent with the need to continue to prepare for a range of threats as yet unidentified. Mention was made in Westminster Hall last week of the Gates doctrine,

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according to which we need to concentrate on the actual war, not a possible war. I well understand that, but the people of this country would be very concerned if the House took such a short-sighted view as to think that we could rule out, for the foreseeable future or—heaven forbid—even over our lifetimes, the possibility of state-upon-state conflict. Defence has always been an insurance policy, and that applies no less today than it did in the past; indeed, it probably applies more today than in the past. The only difference is that today we are fighting actual conflicts for which we have to provide.

The Minister ended his remarks by saying that some felt that there had been failures, which he was prepared to acknowledge. The Government are in complete disarray in their procurement programme. Let me go through some of the examples. Chinook helicopters intended for our vital special forces operations have been grounded for seven years while Ministers have tried to work out what to do.

Mr. Kevan Jones: They were commissioned by the Conservatives.

Mr. Howarth: I know all the arguments, and that is entirely true, but the Government have been in office for 10 years, during which they have sat around trying to cope with the problem and decide what to do. The failure to resolve that procurement issue is a failure of ministerial decision making. At the end of the day, the Minister knows that if he were asked to make that decision today, he would not be in a position to judge, but would have to rely on his experts. Indeed, he has already said in answer to my hon. Friend the Member for Hemel Hempstead (Mike Penning) that he has to rely on his experts. The question then was: why did the experts get it wrong in that case? Now the question is: why have Ministers taken seven years to resolve the matter?

Mr. Jones: Possibly to sort out the mess that the previous Conservative Government left in that contract. Does the hon. Gentleman agree that that was not the only poisoned legacy that the previous Conservative Government left? They left us a complete farce over the sale of Annington Homes, which has left the Army's housing stock in the hands of a private company. If the hon. Gentleman wants lessons in supporting our armed forces, let me remind him that the £1 billion-odd that the Conservatives got for that was taken straight out of the defence budget and used for tax cuts.

Mr. Howarth: The Minister is fortunate that he can rely on the hon. Gentleman to blame the previous Conservative Government, after 11 years, for the failures of this Government. That argument might have worn for a few years, but it does not wear today. The Government have only themselves to blame.

I have already mentioned the Chinooks. There has been a combined in-service date slippage of almost 14 years on three projects, with cost overruns of nearly £3 billion, which, as the Defence Committee said, are not limited to legacy projects. There has been scathing criticism from the National Audit Office of the bungled sell-off of the Defence Evaluation and Research Agency, which, we now understand from the former Minister, Lord Moonie, the Ministry of Defence was opposed to, but which it was dragooned into doing by a Treasury anxious to get its hands on MOD money.

The Royal Air Force soldiers on with clapped-out VC10 and TriStar aircraft, while Ministers fashion a convoluted rental deal for delivery in three years' time. The Royal Navy is operating Lynx aircraft with less than 200 hours of airframe time left. There are still no contracts signed for the cornerstone of the Government's 1998 strategic defence review, the aircraft carriers, on which the French claim to be negotiating with Ministers in this country on a timeshare basis, like some holiday apartment.

We are no nearer to a decision on the Army's essential new battlefield vehicle, the future rapid effect system—FRES—despite what the Minister has said. I will come to that in more detail in a moment. Urgent operational requirements are funded for the short term by the Treasury, as the Minister said, and are not part of the overall core defence budget. There is no comprehensive, through-life plan for the bits of equipment that are required under the urgent operational requirements.

Mark Pritchard: Would my hon. Friend like to put on record our thanks for all the hard work and dedication that have been put into fulfilling urgent operational requirements by the Defence Logistics Organisation staff, the Defence Support Group staff and the Army Base Repair Organisation in my constituency? They often work overtime for no extra pay in order to fulfil those UORs on the front line.

Mr. Howarth: I am grateful to my hon. Friend, as I am sure the House will be, for making that point. I warmly endorse everything that he has said. Indeed, that is one reason why we have to maintain an integral British defence industrial base, without which we would not have access to that kind of spirited national effort in times of conflict.

The Defence Export Services Organisation, which delivered huge benefits to the United Kingdom, was scrapped at the behest of an ennobled Treasury official, possibly in cahoots with the Campaign Against Arms Trade. The second instalment of the defence industrial strategy has been lost in the Department, if not on one of South West Trains. I could go on, but I will not because time is limited. It is little wonder that the one man with a grasp of the issues and the ability to make decisions, Lord Drayson, threw in the towel at the end of last year to go motor racing, leaving the defence industry with no clear vision of the Government's strategy.

The recent equipment planning round for 2008—EP08—has proved so unsatisfactory that the Government have invented a stalling device that they have called an equipment examination, which is set to take three months. The House will be interested to know what the Minister has said this afternoon. Apparently, it is to be a short examination designed to look at a 10-year requirement. The Minister needs to make up his mind whether this has been designed to provide a reflective peace in order to wrestle with some of the longer-term issues to which I have already referred, or, as we all suspect, it is a stalling device designed to get the Government through planning round '08 or '09. My right hon. Friend the Member for North-East Hampshire was absolutely right

to say that we have no idea whether PR08 has been concluded or not—*[Interruption.]* The Minister says that he has just told us. Perhaps he will tell us when that short examination is going to report to the House. I will give way to him if he would like to put that on the record now—*[Interruption.]* For the benefit of my right hon. and hon. Friends, he says it will be in a few months.

Mr. Bob Ainsworth: We do not report the end of planning rounds, and I am not aware of any previous Government having done so. We report decisions that have been taken, at the appropriate time, and we will continue to do so. From a planning point of view, it is common sense to undertake this short review—short in terms of the time that we hope it will take—in order to inform the next planning round. Of course we will inform the House of any individual decision as soon as it is taken, and as soon as we are able to do so.

Mr. Howarth: I think that my right hon. and hon. Friends will be amused to hear that. As the Minister and others have said from the Dispatch Box, there are a lot of programmes on which they cannot tell us that a decision has been made. This would appear to be a prolonged EP08, and we await a decision on it. I am prepared to wager money that we will get a statement on the day before the House rises next month, or possibly on the day that it actually rises. We shall have to wait and see.

Mr. Jenkins: I await the development of the hon. Gentleman's speech with interest. He complains about the length of time the preparation takes but, like most of the Defence Committee, I am keen to go through all that preparation before we get to the main gate. Astute, Brimstone, Nimrod, Stingray, Type 25 and Typhoon, which together are now more than £2.8 billion over budget, and have a time delay of 25 years between them, were all signed off by the previous Government without going through that gateway and that scrutinised preparation. How can the hon. Gentleman argue in favour of that?

Mr. Howarth: It is, of course, incumbent on the Ministry to make decisions more swiftly than it is at the moment, but those decisions must be informed. I shall come to explain how I see that happening, so the hon. Gentleman will get my answer in a few moments.

Let me continue with EP08. So disastrous has the Government's handling of defence procurement become that the three services are effectively at each other's throats. Each one explained to whomever would listen that the key project for their service was vital, while the projects for the other services were either not priorities or irrelevant to current operations. The overall impression is that the Government have lost interest, know that they face defeat at the next election and are anxious to postpone as many decisions as possible for the incoming Conservative Administration to pick up, having bankrupted the country to boot.

We need to know when the carrier contract will be signed and we need more than the Prime Minister's assertion yesterday that

"it is totally untrue that we are trying to merge the English, British and French navies"—[*Official Report*, 18 June 2008; Vol. 477, c. 942.]

whatever that curious SNP-type description of the Royal Navy was supposed to mean. What the French are saying is that their officials are in negotiation not about merging the two navies, but about somehow sharing aircraft carriers. That is what the Minister needs to explain. Are French and British officials in negotiation and, if so, on what? If the Minister does not want to answer that now, I hope that the Under-Secretary will specifically answer it in his concluding speech.

The Minister has told us the pretty desperate news—albeit something that we had expected all along—that the Type 7 and 8 ships of the Type 45 class are to be cancelled. I think that the House will want absolutely cast-iron assurances today—*[Interruption.]* The Minister for the Armed Forces says "They were never ordered", but they were all part of the strategic defence review and, still more important, they were a key component in the whole carrier force. Unlike the current class of pocket carriers, if I may call them that, which have heretofore had the protection afforded by the Sea Harrier, those carriers have no on-board protection against air attack. That is what the Type 45 is designed to provide. What the House and the Royal Navy will want today is an assurance from the Secretary of State that there is sufficient protection in six ships to look after two aircraft carriers at any one time. Without that assurance, I am bound to say that the entire project encapsulated in the strategic defence review will be put at risk.

As far as FRES is concerned, the Minister said that General Dynamics had been appointed as the provisional preferred bidder, but as far as I am aware, the line seems to have gone dead since. The Minister set out the roles that the vehicle is expected to perform, but what we need to know is when we will get delivery. General Jackson said about five years ago that he needed this by 2009 and the Minister will be aware from today's debate, as well as from discussion in the press, that this is a critical programme for the Army.

Mr. Kevan Jones *rose*—

Mr. Howarth: I will not give way, if the hon. Gentleman will forgive me.

The battlefield multi-role helicopter, in the form of the future Lynx, is also critical. That aircraft has little in common with the current Lynx, but it is essential for the British Army. Are we going to have to await the outcome of the Minister's short equipment examination and when can we expect to hear news on that front?

Time does not permit me to expand on all the Government's failures, so I shall concentrate on three themes. The first is the balance of forces. I am very conscious of the argument that we are spending vast sums of taxpayers' money on exceptionally high-tech kit to fight an asymmetric conventional war in Afghanistan—an argument that deserves to be addressed. We need to be aware that even close-quarter combat is today conducted in the full glare of international media coverage and that there is a belief that modern warfare is a kind of enhanced computer game in which only the baddies get zapped. Collateral damage or the death of innocent civilians is widely regarded as unacceptable.

Only the use of sophisticated equipment such as the sniper pod, which is carried by the Harriers, enables the precise identification and targeting of individuals and buildings. That kit is expensive and that new equipment

[Mr. Gerald Howarth]

also needs relatively expensive defensive aid suites attached for force protection against an increasingly sophisticated enemy. But there is, as the House has considered today, an overriding imperative to provide better force protection against the enhanced threat from improvised explosive devices, which, as I forecast, have migrated to Afghanistan from Iraq.

My hon. Friend the Member for Newark (Patrick Mercer) rightly pressed the case on when the Snatch Land Rovers are to be withdrawn and replaced by the new WIMIK. The Under-Secretary ought to tell the House something about when we can expect that vehicle, which has much more armour and an example of which I have seen, to be much more readily available to forces in theatre. I accept everything that the Minister for the Armed Forces said about the Mastiff and it not being suitable for every role.

My hon. Friend the Member for Westbury (Dr. Murrison) will deal further with the issue of force protection in his winding-up speech, but the one thing that we have to be clear about is the fact that we cannot provide 100 per cent. protection for our armed forces in the field, and there would be no point in our deceiving the British people that we can so do.

Secondly, I want to discuss the procurement process and the role of industry. Although I have been highly critical of the Government's overall procurement strategy, I am happy to join the Minister in acknowledging the fact that the urgent operational requirement programme has resulted in improvements in body armour; the off-the-shelf purchase of Predator unmanned aerial vehicles, renamed Reaper by the Royal Air Force; and provision of armoured vehicles such as the Mastiff.

Mike Penning: Body armour is obviously there to protect servicemen and women on operations, but is my hon. Friend aware that it is not fire protected? In other words, it will burn. Individuals such as Lance Corporal Compton, who suffered horrific burns after his vehicle was hit in Afghanistan, received those injuries because the body armour, which is designed to protect them, burns and their bodies are damaged.

Mr. Howarth: I am grateful to my hon. Friend for that information, which I did not know. I am sure that the whole House will also be grateful to him and that the Under-Secretary will want to respond to that information in his winding-up speech.

The Minister referred to further helicopter capability, and we do indeed have another six Merlins, which we have acquired from Denmark, but which will not enter service until they have been modified for current operations. However, those programmes are essentially one-offs with, as I understand it, little in the way of planned through-life support.

I understand that the Danish Merlins, unlike the ones ordered by the UK, carry the traffic alert and collision avoidance system—TCAS—together with weather radar, but they will not be maintained once they become unserviceable. TCAS would prevent the loss of life in mid-air collisions and I find it hard not to have contempt for a deliberate decision to refuse to maintain a life-saving piece of equipment. As a result of acquiring one-off pieces of equipment such as those I have mentioned, we find that there is no consistency across the fleet, with a multitude of variants having to be maintained, all of which adds to the cost.

There seems to be agreement between us that there needs to be a fundamental review of the procurement process so that we develop an ability to respond much more swiftly to the rapidly shifting nature of the threat while being able to fit the new equipment into a coherent overall core programme. I accept that that is no easy task, but it must be undertaken. The Treasury needs to be part of the process so that it can understand why its agreement to fund the simple acquisition of a UOR should not be the end of its responsibility.

I note that the Defence Committee has again expressed concern about the skills available to the MOD to enable it to monitor procurement projects. The Ministry needs to ensure that project development personnel with experience of controlling major projects are brought in from the private sector so that the MOD has the benefit of serious commercial knowledge that enables the customer to be an informed one and not be taken for a ride by industry. Alongside such savvy commercial people, I accept that we need military personnel with current knowledge of the kit in question.

Under proposals made by Lord Drayson in the defence industrial strategy, British industry, which plays such an important role in supporting our armed forces, had some idea of where the Government were going. The Minister is correct: today, it is extremely unhappy and has no sense of direction. Lord Drayson's strategy is clearly set out in paragraph A1.16 of the defence industrial strategy:

> "Promoting an overall business environment which is attractive to defence companies and investors... identifying key industrial capabilities which are important to Defence to retain in the UK industrial base to maintain appropriate sovereignty, with sustainment strategies where these seem at risk."

We agree with that assessment. The Astute submarine programme ran into trouble in part because of skill fade—the loss of key skills to build the boats—and it is essential that we do not allow that situation to prevail.

Equally, we need to maintain investment in defence research. The defence technology strategy acknowledged as much when it said that today's battle-wining kit is the result of yesterday's investment. A programme of technology demonstrators may be one way of ensuring that we keep feeding the research base.

It is important to preserve Britain's world-class research base not only for the benefit of our own forces but so that we have something to bring to the party with the US. The moment when we cease to be such a contributor, we shall become a supplicant, and that would dramatically alter the relationship. I know that the right hon. Member for Ashfield (Mr. Hoon), the former Secretary of State who is now the Government Chief Whip, felt that ownership of Britain's defence industry to be of little consequence. Since he made that assertion some four years ago, however, two of our major enterprises—BAE Systems and QinetiQ, both of which happen to have their headquarters in my constituency—have been developing faster in the US than in the UK.

At the same time, many of our smaller companies are being acquired by overseas interests, such as Thales from France and Finmeccanica from Italy. There is clearly an element of the inevitable about that, thanks

to globalisation, but if we want to maintain a vibrant defence industry in the UK, we must ensure that investors can see an income stream.

John Smith (Vale of Glamorgan) (Lab): I hope that the hon. Gentleman will recognise the achievement of the British defence industry. Recently published figures show that defence exports from this country are at record levels.

Mr. Howarth: The hon. Gentleman, who plays such a vigorous role in our debates, will be pleased to hear that I shall come to that in a moment.

The Minister needs to tell us when we can expect DIS 2. In the other place, his colleague Baroness Bolton told my noble Friend Lord Astor that it was anticipated that DIS 2 would be brought forward, but that no date had been set. We, and British industry, would like to know when that will happen.

I am the first to acknowledge that foreign companies such as Thales and Finmeccanica make important contributions to the UK's defence effort—

Mr. Kevan Jones: What is the hon. Gentleman's point?

Mr. Howarth: My point is that we must remember that investment decisions are taken at head office. If most of the relevant head offices are outside the UK, we need to bear that in mind.

For its part, industry needs to accept that the current economic outlook is pretty bleak. It will have to smarten up its processes still further, as we shall seek to secure better value for money for the taxpayer.

I am concerned about the three prototype Nimrod MRA4s, and gather that BAE Systems is demanding a substantial amount of money to bring them on line. The failure of the Nimrod programme lies wholly at the company's door: it is the design authority for that aeroplane, and it has a responsibility to the nation to deliver it into service very quickly. It is hugely needed for current operations, as well as for the future.

On a positive note, British industry's attainment of a record £10 billion in defence sales last year—to which the hon. Member for Vale of Glamorgan (John Smith) alluded—under the outstanding leadership of Alan Garwood was a singular milestone. It is a tribute to the co-operation between industry and the Ministry of Defence, but that collaboration was shattered—utterly needlessly but wilfully—by the Prime Minister last July. That was an act of vandalism that I am pleased to report will be reversed immediately when the Conservative party assumes office. It is a sign of the transfer of power in this area that my question to the Ministry of Defence about how many foreign military delegations had visited UK Trade and Investment since that act of vandalism has been transferred to the Department for Business, Enterprise and Regulatory Reform.

Mr. Bob Ainsworth: Does the hon. Gentleman have any evidence that the damage that he alleges has actually been done? We have just heard about last year's record defence sales. What evidence does he have?

Mr. Howarth: I am trying to find information. I have been told that the Ministry of Defence is no longer in command of these matters, as I feared. The responsibility for defence sales has been transferred to another Department, where it sits alongside that Department's responsibility for other areas of British industry. Last year's record defence sales are a tribute to Alan Garwood and his team of outstanding people, but I want to know how many military delegations are continuing to speak to the Government. I shall look forward to seeing them at Farnborough. I hear that they do not want to speak to UK Trade and Investment. They want to speak to Government, and people in uniform want to speak to other people in uniform. That is the problem.

Mark Pritchard: Does my hon. Friend share my concern at the Government's withdrawal of funds from both the Ministry of Defence and the Foreign Office for defence and military attachés, who do a great job throughout the world and also play an important part in defence sales?

Mr. Howarth: I entirely agree. I think that some of those offices could be closed without huge damage being done to the United Kingdom's defence industry, but the closure of others—I note that the Finland office, for example, is earmarked for closure—strikes me as evidence that the Foreign Office has demanded more money from the Ministry of Defence, which it is having to apply to current operations.

Paragraph A1.21 of "Defence Industrial Strategy" states:

> "We must maintain the appropriate degree of sovereignty over industrial skills, capacities, capabilities and technology to ensure operational independence".

That brings me to the subject of the joint strike fighter. We are equity partners in that major United States programme, but the US has been reluctant all along to allow us full operational sovereignty over the aircraft that we acquire. That cannot be right, and is no way to treat a key ally. We have experienced no problems with the arrangements regarding the operation of our Trident submarines, and the US should not hesitate to give us the sovereignty that we require over the joint strike fighter. Perhaps Ministers can tell us how matters stand, and whether the Government are continuing to insist that if Lockheed Martin is to have any role in the maintenance of the aircraft, it must perform that role from a facility within the United Kingdom.

I suspect that I am not alone in being extremely concerned about the treatment of senior BAE Systems personnel at the hands of the United States Department of Justice. The fact that our key ally had detained as common felons the chief executive, a non-executive director and the group business development director should have had the Prime Minister on the telephone to the President of the United States forthwith. I understand that one of those detained was met by five armed guards, and that his luggage was searched for an hour while they awaited a subpoena warrant.

I also understand that there is to be a grand jury hearing next month, when the United States will seek information on the UK-Saudi deal. That was a Government-to-Government deal between Her Majesty's Government and the Kingdom of Saudi Arabia, and is not the business of the United States. Perhaps we should demand to see its memorandums of understanding with the Israelis.

Mr. Kevan Jones: Will the hon. Gentleman tell the leader of his party that he should not criticise the Prime Minister for making what I consider to have been the right decision when the Government interceded in the investigation of the al-Yamamah deal with Saudi Arabia? He will recall that Conservative international development spokesmen tabled a motion to be debated on the Floor of the House—with which I know the hon. Gentleman did not agree—criticising the involvement of BAE Systems in Tanzania.

Mr. Howarth: We made it very clear that we regarded that as a matter for the Attorney-General, as the Law Officer of the Crown with responsibility, and that we would accept his judgment.

The present disastrous state of affairs is the effect of 11 years of stewardship, or lack of it, by the Prime Minister—first in his role of Chancellor, when he failed to fund the armed forces to the extent necessary to meet the Government's own strategic defence review requirements, let alone current operations, and now in his role as First Lord of the Treasury, where his understanding of the military is so inadequate that he believes that the Secretary of State for Defence can double up in his spare time as Secretary of State for Scotland, with the modest task of saving his colleagues' seats from the ravenous Scottish National party hordes. That constitutes no assault on the present incumbent, the right hon. Member for Kilmarnock and Loudoun (Des Browne), for whom I have great affection and who has sought to fulfil his impossible task to the very best of his considerable ability; but wherever I go, I find that the military feel the insult keenly. They believe that the political class does not value them.

The defence of the realm and its wider interests across the globe is the first duty of any Government. The extent of this Government's failure to provide for both the present and the medium term has been, to an extent, masked by the extraordinary professionalism, courage and dedication of the men and women of Her Majesty's armed forces, the support of their families, and the hard work and ingenuity of the 300,000 people in Britain's defence industry who are engaged in the noble cause of providing equipment for the front line. They deserve better, and I trust that the incoming Conservative Government will not let them down.

2.59 pm

Mr. Bruce George (Walsall, South) (Lab): When I was the Chairman of the Defence Committee and the hon. Member for Aldershot (Mr. Howarth) was partially under my control, I thought I could teach him the moderation and fair-mindedness that I had exhibited throughout my parliamentary career. At the beginning of his speech, I thought that I had succeeded brilliantly, but I realised that I had wasted 15 years of my life when he lapsed back into his partisan ways, seeing everything through a single set of spectacles. Frankly, if people are considering what way to vote in the next election and if defence figures heavily in their thinking, perhaps they should look at who the spokesmen are on those areas of policy. That gives me a great deal of hope, which I must confess I have not witnessed for some weeks. If the hon. Gentleman manages to convey his sense of fairness to his other colleagues, I shall be quite up for the next election.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Someone in my constituency summed it up very aptly as, "Scratch a Tory, same old story."

Mr. George: My nails are not long enough to scratch the hon. Gentleman, but I can work it out without undertaking such a painful search.

The hon. Gentleman spoke about a disastrous state of affairs. Any serious-minded person—there are some—would see more than a glimmer of hope that a Labour Government had behaved incredibly responsibly for 10 years. I find it deeply insulting that the endeavours of a Government who have been successful are somehow deliberately misconstrued to try to give the impression that Michael Foot has been Secretary of State for Defence and Tony Benn the Minister for Defence Procurement for the last 10 years. It has not been that way at all. If the hon. Gentleman thinks that, I feel some concern.

I shall try to be even-handed. When I was Chairman of the Defence Committee, we kicked the hell out of the Government, whoever were the Government of the day. That was part of our role and no mercy was shown. I reached the conclusion, rather painfully, that despite the immense endeavours of Governments of whatever political hue over the years, defence procurement has proved to be immensely complicated. The best minds and organisations, with the best will in the world, have not yet led us to produce the weapons and the equipment required for our armed forces within the original budget that actually works. It has not happened.

From the strategic defence review onwards, I cannot think of any area of Government policy that has been subject to more close analysis, investigations, inquiries, changes, adjustments and readjustments, all seeking that ultimate goal of producing the equipment required in time and of the right quality at an acceptable cost. Whatever Government are in office will pursue that totally elusive goal.

I spent many hours, before the hours of the House were altered, in the Library looking at the history of defence procurement. I found it quite interesting because so many lessons can be learned. Every single war in which our armed forces have engaged was either just about won, or even lost, not just because of poor leadership but because of poor procurement. Poor equipment has existed as long as warfare. In recent years, the subject has been treated seriously. I recall reading stories—I was not there at the time—of how infantrymen's bayonets were snapping in the 19th century and of new ships sinking on contact with water. So one finds that this is not a recent development.

When the Defence Committee produced the first of its many very good reports under this Government in 1998, I commissioned an analysis of the history of the examinations of defence procurement, and what we came up with was not earth-shattering: the 1961 Gibb-Zuckerman inquiry was followed a few years later by the Downey report; then there was the Mr. Peter Levene appointment, which brought many changes between 1985 and 1991 and many critical reports after his departure by the Defence Committee, the National Audit Office and the Public Accounts Committee, internal MOD inquiries and Defence Evaluation and Research Agency inquiries. The industry, academics and consultants made criticisms and proposed how procurement should be

improved. There was then the very important strategic defence review process, which was epochal in its approach, and the smart procurement and smart acquisition initiative and so on.

I am as guilty as the hon. Member for Aldershot, in that it is very difficult to put all the blame on one Government—in fairness, he alluded to that fact. Time scales are such that the programmes are begun by one Government, but are later cancelled or persisted with until the towel is thrown in when people say that they must be cancelled because they are not redeemable. Alternatively, something else could happen. I suspect that the SA80 is a great example of that, because it originated under Labour, somehow survived 17 years of the Conservative Government and then became a half-decent gun when Labour came back into office. The problem is that if one is going to take the hon. Gentleman's approach or the one that I am just about to take, that is not entirely fair, because blame can be fairly evenly distributed.

The National Audit Office report gives many reasons why projects fail: inflation, cost estimating, changes in specification, quantity audit variation and cost variation. There are also equally long explanations of failure on in-service dates. One could go on almost endlessly.

I have said in previous debates of this kind that I should not go into the history too much unless provoked, and I have been provoked once again, this time by the hon. Member for Aldershot. I have found my infamous A to Z of Tory procurement failures. I shall just remind him of those, although I was not going to do so. If we see before us the team, with a few additions, that will be setting up as the new decision makers in procurement, we want to know what they are, what they are doing, what they are saying and what the genesis of their evolution is. I must therefore remind him about Bowman, among other things—I shall not cover the whole of my alphabet.

C stands for the cancelled common new generation frigate; for CACS, on which the Defence Committee reported in 1986-87—that system was rubbish; for HMS Challenger, which was a sea bed operation vehicle that was flogged off because it did not work; and for the Chinook Mark 2, which was originated in 1995 and with which we have not done much until recently, but we know where it began. D stands for DROPS—the Demountable Rack Offload and Pickup System—which I am sure the hon. Gentleman will remember, as everyone on the Defence Committee does. F stands for Foxhunter. I recall, as will he, that the Defence Committee was persuaded to close its eyes to the fact that when a Tornado was flying with its radar, there was no radar there—it was concrete put into the nose. We tried to sell it on the basis of concrete and not on the basis of a proper radar system. F also stands for the Fearless-Intrepid change, which took so long.

I could add the Hercules replacement, the C130J; JSTARS, the joint surveillance targets attack radar system, which we should have bought for ASTOR, the airborne stand-off radar; Law 80, a wonderful weapons system except that it bounced off Russian tanks; Nimrod 2000; QinetiQ, which was appalling; the Rapier field service C; the SA-80 rifle; the Upholder class submarine, which was flogged off to the Canadians; Westland; and Zircon. The list goes on and on.

I am prepared to accept criticism of procurement failures. In a debate two years after we came into office, the then Opposition Defence spokesman criticised our record—it was my hon. Friend the Member for Grantham and Stamford (Mr. Davies), who has since wisely defected to the Labour party, no doubt immediately after one of my critiques—and I told him to wait, because we had only been in office for two years and we had not had time to have any failures. I said that if he came back in 10 years, there would be a lot, and there are. But that is endemic. Despite all our efforts, defence procurement is an attempt to do the undoable. Other countries have failed equally miserably, and some far worse.

Mr. Gerald Howarth: I just wanted to say that the C130J was a success and ordered by us, but I shall not question the list any further because the right hon. Gentleman might find a new alphabet to double the numbers.

Mr. George: Until I do, I am prepared to teach the hon. Gentleman the existing alphabet. The C130J was partly his Government's policy and partly Lockheed Martin's. The Defence Committee came up with a solution and said that we should not put all our money into the C130J, which was then unworkable, but look for alternatives and supplement it. In this case, it was largely Lockheed Martin's fault that the C130Js were not as numerous as they could and should have been, and my version of events is better than the hon. Gentleman's. If he would like to try again, I shall willingly give way. Indeed, having heard his riposte, I would give way as long it was allowed.

I have tried to find out what cancellations of systems there have been, but it was tricky. The hon. Gentleman's boss tried to find that out and he was apparently told that information about the cancellation of systems could be provided only at disproportionate cost. One wonders how many failures have gone unpublicised. Along with my A to Z, I have looked at the Public Accounts Committee's reports. Projects cancelled between 2002-04—thus ordered by the previous Government—included TRIGAT, the third-generation anti-tank missile; the multi-role armoured vehicle; the area defence weapon; and the counter anti-radiation missile suite.

In 1989, the then Minister was asked a parliamentary question about projects cancelled between 1984 and 1989. The list is short but telling and does the previous Government no credit. I can read out the list of projects cancelled under the Conservatives if hon. Members wish me to do so.

Mr. Arbuthnot: We are all enjoying the right hon. Gentleman's speech enormously. His performance on the Defence Committee is remembered with great reverence, affection and respect. Will he give some thought to the point we made in our most recent report on procurement to the effect that money is always short, and one therefore needs to decide whether salami-slicing or cancelling an entire programme is better? Salami-slicing can destroy the benefit of many programmes for the future.

Mr. George: I was about to deliver a eulogy on the Defence Committee, not only under my chairmanship but under that of the right hon. Gentleman. Its reports—including on defence equipment 2008 and on defence industrial strategy—are excellent and quite remarkable.

[Mr. Bruce George]

My response to the right hon. Gentleman's question was to have been my conclusion, but I shall give it early: we have to determine the defence budget based not just on what money is available but on the need. If the need is high, the budget has to be increased. Too many historical examples should persuade any people in the Ministry of Defence who have read history—I am sure that many of them have—that to do otherwise is profoundly unwise, because when they find out that they have made a mistake they will have retired and the consequences for the political and bureaucratic classes are potentially devastating. We have lived through enough historic failures to convince people that history cannot be thrown aside on graduation.

I strongly argue—I am not saying this just for the benefit of the right hon. Member for North-East Hampshire (Mr. Arbuthnot) or because of his intervention—that a lot has been done to enhance procurement. I will not go into the arguments about defence expenditure collapsing under the Tories or the enormous expenditure dedicated by this Government, but we have now reached the point in terms of personnel and equipment where it is inadequate to take the stance that is being taken. If equipment is inadequate, lives are lost and wars can be lost. The Government are doing a pretty good job, but we are getting close to the point where someone in office will have to rattle the Treasury's cage and say that the budget has fallen to such a level that if it continues to do so it will not just be undesirable but could have serious consequences.

Going back to my pro-Government mode, I should say that what emerged from the SDR was quite remarkable. We have seen smart procurement, smart acquisition, integrated project teams and the creation of all sorts of things—resource accounting and budgeting, public-private partnerships, private finance initiatives and partnering. The list goes on and on. Then we see the developments coming out of the EU—I will not spend much time on them—or NATO. There is defence industrial policy, on which we produced an excellent report in 2002, and then there is defence industrial strategy. The list of initiatives is a long one.

I have read the Defence Committee reports about new developments, stocktake, the Defence Procurement Agency forward teams and so on—there has been so much activity. However, I would want to see more evidence that endeavour, activity, research and so on had brought us close to solving the problems that have so far eluded Governments.

Jeremy Blackham, whom most of us know well, wrote an article for the Royal United Services Institute, or RUSI, about what he called the "wicked problems"—the almost insoluble problems that face all Governments. I fear that we have an enormous task to do before we achieve the equipment that we require.

Mr. Jenkins: I have listened with great interest to my right hon. Friend, who speaks with authority, and to his shopping list. Does he not think, as I have over the years, that when an item for procurement goes on to become very expensive and therefore unworkable and is axed, we should ask whether it was a need or a want? When it was axed, the world did not end and we just went on with the next project. Do we have too many projects of want rather than projects of need?

Mr. George: That is a very fair question. If we intend to be a major part of the second rank, as we have been since 1970, and do not want to drop down to the lower divisions, we have to do something quite expensive about the quality of not only the personnel but the equipment. In fairness—I am being very fair to the Government—the Government fully support Trident, the joint strike fighter, Eurofighter, the carrier programme and so on. All the equipment must have come as a bit of shock to the Conservatives, who probably could not believe that a Labour Government would take such expensive and correct decisions, facing down those in their own party who are still hypercritical.

On the Development, Concepts and Doctrine Centre website, I saw a superb unclassified document called "The DCDC Global Strategic Trends Programme 2007-2036"—a modest remit to address. It is difficult to predict the future; probably Nostradamus was the best at it, but his sayings lacked the precision necessary to help a defence planner. Clearly, when the Treasury considers proposals put before it, it will try to gauge whether the equipment is affordable and desirable given the time frame involved. The report considers the endless range of issues, including climate change and globalisation, that could become security and military problems in the next 15 to 30 years. However, it hedges its bets.

Let us consider how dangerous the environment could be in future, given the long list of 20 potential problems. If we add to that the rise of potential new superpowers and the resumption of arms races, we find that we may face such a multitude of problems, requiring such a range of responses, that the costs will be prohibitively high. Will we be required to fight a war of survival—we were drifting into such a situation during the cold war—as well as having to deal with all the other issues involving our forces? I can only hope that those with greater experience and access are in a position to say, "These are the threats that we will face in five, 10, 15, 20 or 25 years." Given how procurement proceeds in this country, we need to start thinking very seriously about the weaponry that we might need for 2025 or 2030.

There will be mistakes in procurement decisions; we will order weapon systems that are superfluous by the time that they can be deployed. The Government should be prepared to think carefully, spend money and look into the future with as much precision as possible. By 2010, 2015 or 2030, unless we have quality personnel and equipment, the country will find itself in a distinctly embarrassing situation.

3.22 pm

Nick Harvey (North Devon) (LD): I welcome this opportunity for a regular debate on defence procurement, but like others I begin by paying tribute to the service personnel who have lost their lives in Afghanistan. We have had a grim couple of weeks there, but that shows how important the fight is, and the battles must go on. I pay tribute to the Special Air Service members, and to Intelligence Officer Sarah Bryant, Corporal Sean Robert Reeve, Lance Corporal Richard Larkin and Paul Stout. Our thoughts are with their friends and families. We owe gratitude to them, and to everybody who continues to undertake the very dangerous work that is vital to our national interest.

The security of the nation is the Government's first responsibility, but it is clear that the nature of the task of securing our nation has changed, as new challenges and threats have emerged. In the 1998 strategic defence review, we rightly identified our priorities and how we would respond to the threats of that time, but events have changed a great deal, and rapidly, since then. We find ourselves in more wars of choice than we had anticipated, and we are more greatly involved—at a more sustained level—in operations in hostile areas than the assumptions of the 1998 review envisaged. We are involved in two sustained high-tempo operations, and we have additional commitments in the Balkans. Given our limited defence budget, our reliance on reserves to meet key immediate needs, and significant delays to some of the most important procurement projects—a subject already mentioned—we are obliged to ask serious questions about defence.

We need to ask about the future needs and challenges of our armed forces, how we can most effectively meet them in the next 20 years and beyond, and how we prepare for unforeseen threats that might arise during that period. Great plans for the future are of little comfort to the men and women who are on the front line today, but preparations that build on our current capabilities are absolutely vital. The hon. Member for Aldershot (Mr. Howarth), speaking from the Conservative Front Bench, rightly stressed the need to strike a balance between our immediate needs in Afghanistan in particular and the reality, which we must keep in mind, that we cannot assume that, just because there is no immediate threat, we will not in the medium or long term find ourselves once again involved in state-on-state warfare.

Just as 25 years ago we were configured for the military needs of the cold war, and now we face mainly insurgency tactics in Iraq and Afghanistan, the future security environment might be founded on some very different considerations: climate change, migration, technological developments, population growth and resource scarcity, which the Government have already recognised. As I look at that uncertain future and consider the threats that we might face, ringing in my ears are the words of the hon. Member for Woodspring (Dr. Fox), who also speaks from the Conservative Front Bench. He will always paint a grisly picture of the threats that we could face from Russia, China—

Mr. Kevan Jones: Icebergs.

Nick Harvey: Not to mention the icebergs.

It is essential that we always keep such considerations in mind. However, were we to find ourselves involved in any hostilities with the likes of Russia or China, it would be quite beyond our capacity to hold them at bay on our own. Although we must be prepared for the possibility of such engagements, we can prepare only in concert with our military allies. It is not necessary or desirable for the United Kingdom to attempt to defend itself across a broad front entirely from our own resources. We must co-operate with our NATO and European allies to make better use of equipment and personnel. That may occasionally mean a greater willingness to buy off the shelf to meet short-term needs, and we must find ways of speeding up procurement in order to limit waste and inefficiency.

For that reason, I, like others, have said several times in the Chamber that we clearly need another strategic defence review. I welcome the Government's conduct of various small-scale reviews of certain aspects of defence policy, but it is now 10 years since we had a strategic defence review, and as I have said before, the Americans conduct one every four years. It is high time that we went through that exercise again. To take the point that was just made, it may be necessary for the Treasury to recognise the need for more resources, but frankly that could be done only off the back of another strategic defence review—not one whose aim from the outset was to reduce the defence budget, but one that examined our foreign policy needs and objectives and then began to build a defence capability that was in tune with, and responsive to, them.

The Ministry of Defence has set out in its defence plan its strategic objectives for the coming three years:

> "Achieve success in the Military Tasks we undertake at home and abroad... Be ready to respond to the tasks that might arise...Build for the future."

They are all worthy objectives, and they should apply at any stage, but I still believe that something more fundamental by way of a review is necessary.

Last year, the Defence Committee raised concerns about the MOD's 20 biggest weapons projects, which are £2.6 billion over budget and a total of 36 years behind schedule. This month we learned that the Prime Minister has instructed defence chiefs to delay replacing old weapons, vehicles and aircraft in order to try to ease the £2 billion black hole, which looks set to be even bigger in a couple of years' time. There is a debate to be had about the merits of salami-slicing or deciding that we have to review our commitments and what we are trying to do.

The hon. Member for Aldershot quoted from the White Paper, "Defence Industrial Strategy", and said that it was necessary for us to have an "appropriate degree" of independent British defence industrial capability "to ensure operational independence". He was right to identify the phrase and to quote from it. However, the key word is "appropriate". There are sometimes points at which we may have gone too far in trying to defend the concept of independence. A great deal more could be done to ensure our capability to respond in the short term, as well as provide better value for money for our taxpayers, by giving a little ground on the concept of independence and being more willing to look around at what our allies are doing, so that what we are doing dovetails with that.

The hon. Member for Aldershot shuddered with horror at what President Sarkozy was reported as having said and suggested that the Government might be in a dialogue with him about the possibility of, as the hon. Gentleman put it, a time-share of our aircraft carriers. He took the point a bit far, although I would share his concern if that was really what was proposed.

However, whatever we do in future we will do in concert with our allies. If we are going to invest in such enormous things as aircraft carriers, as I believe we should, it is essential that we view them not only as British assets but as NATO assets that we share with our allies. It is entirely right and appropriate to have discussions with others about the exact use to which the aircraft carriers will be put and how we can co-operate on ensuring that maximum value is extracted from such

[Nick Harvey]

a massive investment. We need to think about how we extract the best long-term value from undertaking a programme on that scale.

Mr. Jenkins: I thoroughly endorse the overall concept that we should work together closely with Europe. Is the hon. Gentleman as concerned as I am that individual countries still want to maintain their independent sovereign operations? It is silly that we are all reinventing the wheel by producing our own arms for our own personal consumption to maintain employment in our own countries. It is much better done on a cross-European basis. However, if, for example, we were considering landing French planes on our aircraft carriers, we would realise that their carriers sometimes have completely different decks and the French planes would shoot across our decks and fall off the other end, as we do not have restraint barriers in place because we have vertical take-off and landing aircraft. That is the sort of difficulty that we have to struggle with.

Nick Harvey: I am certainly aware that the Charles de Gaulle aircraft carrier in the current French fleet operates on a completely different principle from the plans that we have for our own future aircraft carriers. That said, progress towards the building of our aircraft carriers seems so painfully slow that it may still be worth getting involved in some further dialogue about that. I take the hon. Gentleman's point. While I talk about the concept of sharing assets and ensuring that what we develop and what our allies develop are mutually compatible, there will also need to be technical considerations.

I recall attending a dinner two or three years ago at which Mr. Nick Witney, who was then chief executive of the European Defence Agency, reported that at that particular moment 14 different EU member states were designing new tanks. With the best will in the world, that is absolutely ludicrous. If the Americans hope, as I am sure they do, that in the long term Europe will shoulder a bit more of the burden and stand on its own two feet, there is no hope whatever of our doing so while idiocies of that sort are taking place. That is why we have to recognise in the longer term that the capabilities that we build up need to be co-ordinated as much as possible with those of our allies—the Americans, the Europeans and other allied countries around the world. General Sir Richard Dannatt said in a speech at the Royal United Services Institute last week:

> "All elements of Defence of the future must remain relevant…we must have capabilities that are highly likely to be needed and used in the foreseeable future. We need relevant capabilities so that we can both intervene and contribute to stabilisation…We must be relevant to our Allies and bring the kind of capabilities that they need".

I could not agree with him more. That is exactly the point I am trying to make.

There has been debate, and quite rightly, about vehicles in Afghanistan. I, too, have visited Afghanistan recently and talked to those on the front line about the issue. My right hon. Friend the Member for Sheffield, Hallam (Mr. Clegg) and I heard, at first hand, from some of those who go out on patrols, who told us how unhappy they are about going out in their current vehicles. I entirely endorse the intervention made by the hon. Member for Newark (Patrick Mercer). He put his finger on that point exactly, and said that, as a matter of urgency, we needed to get more reinforced vehicles in place. He specifically mentioned weapons-mounted-installation kit—WMIKs—and I should like to take up that point. The men were begging us to make it our key message when we got home: they rate WMIKs, they want more of them and they want them as fast as they can get them.

I applaud the Government's decision to procure Mastiffs. The Secretary of State deserves great personal credit for that, and if the rumours that he is not going to hold his post for much longer are true, it will be one of his lasting legacies. I also welcome what the Minister for the Armed Forces said at the Dispatch Box about Ridgback. It has been said that we need different vehicles for different purposes, and that there is no single solution, which is absolutely right. Equally, we delude ourselves if we suggest that we can send people out on patrol in any one thing that is capable of withstanding all the hazards that they face. We continue to refer to things as improvised explosive devices, but the truth is that they are rather less improvised than they used to be. They are becoming more industrial in scale. WMIKs are essential because they are at the more mobile, versatile and nimble end of the spectrum.

I believe that I am correct in saying—I stand to be corrected if not—that the adaptation of WMIKs is being handled by a small company in Devon, the principal market of which is a marine one. It ill behoves me, of all people in this Chamber, to undermine the work of a small company in Devon, but—and perhaps this is an unfair observation—I cannot help contrasting what appears to be a lack of urgency on the part of the Government with previous policy. At the time of the Falklands war, the country's defence industries were told as a matter of absolute priority that they had to do whatever was necessary, and that the Government would pick the bill up and sort it out later. While what Ministers say at the Dispatch Box is perfectly rational, we need to ramp up the scale of such procurement work to an altogether different level. I dearly hope that the company in Devon is capable of doing what needs to be done, but if not, someone else needs to be brought in.

Mr. Gerald Howarth: I can reassure the hon. Gentleman on one point. The WMIKs are not being built by Supacat, which is a company based at Dunkeswell, the managing director of which happens to be the nephew of my former secretary—so I know a bit about it. It is building the Jackal, which, as the hon. Gentleman will have heard from the Minister, is performing superbly and is a fantastic bit of kit. Supacat is not involved in the WMIK programme.

Nick Harvey: I am reassured by the hon. Gentleman. I said that I stood to be corrected; he has taken the opportunity to do so, and I am grateful to him. All I can say is that that was the impression of the men on the front line. I do not know whether it will be possible for me to track individuals down and put them right, but that was their impression.

Linda Gilroy: There may be some confusion about the Supacat vehicle, about which the hon. Member for Aldershot (Mr. Howarth) knows in detail. It is, in fact,

the result of an alliance between a small company in Devon, I think of ex-marines, that invented that agile vehicle, and Babcock, which operates the production line. It was an urgent operational requirement, and it is rolling off the production line at the rate of one a week. I am sure that the hon. Gentleman would be very welcome to visit.

Nick Harvey: I am very pleased to hear that. Perhaps I have been unfair in suggesting that there has been a lack of urgency. If they are coming off the production line at the rate of one a week, that is certainly good news. However, three or four weeks ago I was told at first hand by the guys going out on patrol that they urgently needed more of them. It is clear that casualties could have been avoided if people had not been going out in inappropriately light vehicles. I was at Headley Court last week and talked to a chap who had lost one leg and whose other was in a pretty bad state, and that was exactly the story that he told me.

Mr. Adam Holloway (Gravesham) (Con): I do not know whether the hon. Gentleman is aware of the dismay of many people in the squadron that is replacing the one that recently suffered casualties in inappropriate vehicles.

Nick Harvey: I am grateful to the hon. Gentleman for his intervention, which adds to my point. I was reporting the opinion that I had picked up on the front line, and other people will back up what I am saying.

I know that the Government are always keen to highlight the fact that we have had a decade of sustained growth in defence spending. That is correct in purely arithmetical terms, but it ignores the true cost of defence inflation. As we know, that runs way ahead of the retail prices index. We have had a succession of procurement disasters, and they have not been unique in the past decade. We have an appalling history of procurement mishaps over several decades, such as Eurofighter, Nimrod, the Chinook embarrassment that we have heard about today and even, frankly, the A400M. Things have invariably taken far longer than they should have, cost far more and ended up being supplied in smaller quantities than had been imagined.

Mr. Arbuthnot: I am interested in the hon. Gentleman's point that defence inflation runs far ahead of the RPI. That is my impression and it is what many people frequently say, but every time I or anybody else I know of has tried to pin down the exact evidence of it, it has been rather difficult to establish. Does the hon. Gentleman have any better evidence than we have been able to discover?

Nick Harvey: My premise is the testimony of various witnesses who have appeared in front of the right hon. Gentleman's Committee. If he has been unable to pin them down any more specifically at first hand, I fear that I have not been able to at second hand. Whatever the cause of the perception that defence inflation runs faster than the RPI—I would hesitate to hazard a guess—the evidence seems to be the fact that every procurement project ends up costing far more than was originally envisaged. That is rather like every significant, big public infrastructure project, of which the 2012 Olympics seems a current example. I take the right hon. Gentleman's point that the assertion is perhaps bandied about without any empirical evidence or data to back it up, but it seems to be essentially true.

I have made visits to various companies, including QinetiQ, BMT Defence Services in Bath and others that are at the pioneering, research end of the process, and it is clear that some interesting ideas are being developed. In some cases, those companies have to proceed at their own risk, because the clunking way in which we procure things means that there is no market as yet and no public money available for them.

I listened to the Government slipping out the announcement that the number of Type 45s would stop at six. We greatly missed the presence of the hon. Member for New Forest, East (Dr. Lewis). Although the hon. Member for Aldershot (Mr. Howarth), who is a fine man and a great champion of RAF, did his best in absentia, he could not quite match the explosion that we would have heard from the hon. Member for New Forest, East.

I am not convinced that the Government have made the wrong decision. The hon. Member for The Wrekin (Mark Pritchard) intervened to make the point, quite rightly, that no matter what the Type 45's capabilities are, it cannot be in two places at once, and pointed to the general principle that there is a danger of running down the number of vessels in the Royal Navy fleet. I confess that I agree with the Conservative critique, but I am more sceptical about the idea that the vessels have to be Type 45 destroyers. The key question is whether two aircraft carriers can be defended with six destroyers. That, rather than any industrial consideration, should be the basis on which we judge whether the decision was right.

Mr. Bernard Jenkin (North Essex) (Con): May I apologise to you, Mr. Deputy Speaker, and the Minister for arriving two or three minutes after he started? I seem to remember that the SDR originally envisaged 12 Type 45s. That was because at any one time there will be a number of ships in refit and a number on their way to, or returning from and recovering from, operations. Having only six Type 45s means a maximum of perhaps three deployable ships at any one time. That is a very limited capability, compared with what was originally envisaged.

Nick Harvey: The hon. Gentleman makes his point well. I am sure that we will continue to debate the issue. Having slipped the announcement out today, the Government will have to come back and discuss it in more detail on future occasions.

I have made it clear that I agree very much with the procurement of the two aircraft carriers, which was essential to the logic of the 1998 SDR and remains an essential plank of our future defence capability. If we are to retain the ability to intervene in different parts of the world, on different bases and at different times, having two aircraft carriers will be essential to the flexibility that we will need to do so.

However, I confess that I remain slightly mystified about what exactly is going to fly off those aircraft carriers. Although it is quite difficult to pin down when those carriers will come into service, it is nevertheless quite worrying that the joint strike fighter, which was generally assumed to be the aircraft that we would fly

[Nick Harvey]

off them, is falling further and further behind schedule. The chief operating support officer for equipment at the Ministry of Defence has stated that the first carrier, when launched, will not operate a full complement of JSFs, as had been thought, and quite right he is, too. The US Government have reported that the project is over budget by $38 billion and that the time scale is slipping, too. The proposal is that the UK will take a second type of JSF, with vertical take-off, but that must, to a considerable degree, be sitting in second place in the US Government's order of priorities. We have more difficulties ahead of us on that.

Another concern is helicopters. I am sure that the Minister will agree that upgrading and sustaining our helicopter fleet must be a key priority, not just for future capability, but for current operations.

I was delighted, as was my hon. Friend the Member for Yeovil (Mr. Laws), when the Department signed the contract for 70 much-needed future Lynx helicopters in 2006, and entered into the first crucial partnering agreement. The existing Lynx aircraft are almost time-expired, and it is clear that the new ones are urgently needed. Lynx is a much respected military asset that has served with distinction, but the Minister will be aware that there is speculation and uncertainty about the future Lynx project. There have been rumours that the contract could be cut or cancelled, but it is clear that that could not happen without severely impairing the capability of our forces.

The cancellation of a contract that was already under way would be hugely expensive, and would become one of the greatest procurement scandals of modern times. AgustaWestland needs an end to that uncertainty, which is threatening to damage the contract and could even cause the company to lose key staff. I therefore urge the Minister to make clear today the Government's support for the future Lynx project and to give the House a clear and firm undertaking that the uncertainty over the contract will be cleared up before the summer recess, with a clear green light being given for progress on the basis of the existing order for 70 aircraft.

In the field of procurement, it is vital that we do not make the quest for something that is absolutely great the enemy of procuring something that is good. General Dannatt said last week that

> "there is no point in developing grand sounding future concepts if we fail to resource and structure to the required standard to deliver success today. If we do not succeed, the future for defence will look pretty bleak".

We have to make our defence aspirations realistic, and I think the best way to do that would be to have another strategic defence review. I cannot emphasise strongly enough the need to deliver equipment to meet immediate needs as well as future planning, and to assess where we want the MOD and the country to be in the next 20 years or more. We need to determine what kind of force we should be building and maintaining for the future. How can we be a force for good, a military force and a humanitarian force on limited equipment?

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. Before I call the next hon. Member to address the House, may I point out that a large number of hon. Members are seeking to catch my eye? If we are not careful, we will not fit everybody in. Simply out of consideration for colleagues, I would therefore plead for the briefest possible contributions.

3.52 pm

John Smith (Vale of Glamorgan) (Lab): I will abide by your guidance, Mr. Deputy Speaker, and keep my remarks as brief as possible. I welcome the opportunity to take part in this afternoon's debate and begin by associating myself with the remarks of all the Front-Bench speakers who have paid tribute to the work of our armed forces and to those who have made the ultimate sacrifice in recent days.

I have the honour and privilege of having the Special Forces support unit in my constituency. According to long tradition and protocol, we do not draw attention in the Chamber to the work that it does, but the House needs to be reminded of the sacrifices that are made, and the courage that is shown, by the men and women of the Special Forces every day. Their acts of selflessness are almost indescribable, and I would like to place that on record.

Defence procurement has been one of the most difficult issues facing any Government for as long as we can remember, but successive Governments over the years have done their best to try to improve the procurement system. I remember that when this Government entered into the strategic defence review, one of the first things that the Defence Minister responsible did was to call all the previous Defence Ministers into his office for unofficial private meetings. He asked them what they would do if they wanted to achieve greater efficiencies and improvements to the procurement system. The irony was that most of them said exactly the same thing: they said what they would like to happen. However, the problem lies in getting from the wish to the reality, and the Government have tried with varying degrees of success over the last decade to improve the procurement system.

I will confine my remarks in my brief contribution to what I believe is one of the Government's most important procurement initiatives in an area that is often underestimated and undervalued. When we talk about procurement in these annual debates, we tend to talk exclusively about kit—tanks, planes and ships—and sophisticated technology. However, if we do not train our servicemen and women in the most up-to-date, state-of-the-art methods so that they can use this equipment, quite frankly we will not get the benefits and our service personnel will not get the security that they have a right to demand. The British armed forces have a problem in that much of their training is 20th-century training provided for 21st-century challenges and technologies. That has got to change.

I am delighted that the Government have bitten the bullet, as the House well knows, and decided to undertake a massive transformation in this country's provision of military training. The defence procurement project to which I refer is, of course, the £11 billion military training academy proposed for St. Athan, which is going to modernise, update and completely transform how training is delivered. It will move away from chalk and talk, which has served us well in the past, towards student-centred and task-oriented training that uses the most modern technology available.

Members on both sides of the House have referred to the sophistication and changing nature of the threat we face. We have to procure equipment, whether it be Snatch vehicles or anything else, to meet those changes. At the same time and in many respects more important, we also need to be quick in changing how we train our personnel to use the new equipment and face the new threats that they are up against. The older methods of providing such training served us hugely well in the past, but they are antiquated and out of date now. By integrating new technologies, we can have a step change or a quantum leap in the training of our personnel. They should be trained to the highest possible standards and we need the maximum flexibility to train and retrain them in how to use the new equipment and face the new challenges. We cannot do that under the existing system.

It is more than seven years since the Government published their report on modernising defence training as part of the strategic defence review and we have seen a radical and incredibly successful transformation of how we train our officer corps. The creation of the idea for a military academy for training our officers in leadership and management on a tri-service integrated basis is important and nobody questions the success of it. Seven years on, however, we are still waiting for this academy to be provided, although the key decisions have now thankfully been taken so that we can provide the rest of our service personnel with the same modern futuristic training in phase 2 and phase 3, which is effectively technical skills training. The Government have already made the decision that two thirds of that training—in aeronautics, mechanics, electrical engineering, information and communications technology—will be provided at the new huge military training academy on a 500-acre site in my constituency. That will have a dramatic effect on the efficiency and security of our armed forces, but we need to move ahead with it quickly.

The Government announced in January that the so-called package 1 of the defence training rationalisation programme will continue apace under the auspices and leadership of the Metrix consortium. We have been expecting an announcement—it was due in the spring, I believe—on Main Gate 2, which is the next stage in this sophisticated procurement process. That decision has not arrived yet. Will the Minister give notice of when he thinks it will, because the sooner we get the project moving forward, the more our services will benefit?

This, however, is a question not just of capability or of providing 21st century training for 21st-century challenges, rather than 20th-century training methods for 21st-century challenges, but of meeting our commitment to our servicemen and women under the military covenant and with regard to the relationship with the rest of society. We train our military personnel to a high standard, but more often than not the skills we give them are not recognised when they finish their military career and move into civvy street. Often, there is a delay in their finding work, although about 70 per cent. of service personnel find a job within a month of finishing service life, which is very good and a tribute to their calibre. About 94 per cent. find a job within six months.

I understand that the main reason for that six-month delay is that many of our servicemen and women, even though they are highly trained in skills such as engineering, have to retrain to do in civvy street the same job that they were doing in the military. There are a number of such examples in my constituency, where large numbers of military personnel retire from the forces and seek work.

The other great attraction of the defence training rationalisation programme is the fact that all the qualifications provided in engineering, computing and all those other areas will be recognised civilian qualifications. We will be able to say to our servicemen and women, "We will not only train you in the military to the highest standard, but you will be able to use that training when you finish your service."

Dr. Andrew Murrison (Westbury) (Con): Has the hon. Gentleman looked at the armed forces benefits calculator? If he has, he will have seen that a number of inflated claims are made for the notional value of training packages that people receive in the armed forces. Given what he has just said about their value in civilian life, would he perhaps like to comment on the claims made in the benefits calculator?

John Smith: Not particularly. I would like to concentrate on the future and what we intend to do to improve the situation and get things right. We owe it to our service personnel to do just that, and the best thing we can do is progress this vital procurement project as quickly as we can.

Under the strategic defence review, when we said that we needed to reconfigure and restructure our forces to meet the new types of challenge, we then had to buy the modern kit and equipment to meet those same challenges. The most important thing was to train our personnel properly in modern techniques and in a modern way so that they could meet those challenges well. We have left that till last, and the Government need to get the matter absolutely right.

Recently, I had the privilege of visiting the headquarters of Metrix, which is in the QinetiQ facility at Farnborough. I have just realised that I owe the hon. Member for Aldershot (Mr. Howarth) an apology because, even though it was a private meeting, I should have written to him and told him that I was visiting his beautiful constituency. The training briefing that I received from Paul Swinscoe of Raytheon was one of the most impressive that I have ever heard. He told me how the training provided for our service personnel was to be modified, and anyone in the Chamber familiar with traditional apprenticeship training will know that it was very effective but a bit long winded. When I was a little boy it took seven years, but by the time that I left school it took only three. The old saying was that people would be in class all day listening to the instructor, but that some might get their hands on a bit of equipment if they were very lucky. However, the modern techniques are incredible: the use of virtual reality means that all students will be completely familiar with their equipment, whether it is an engine or a computer, before they set eyes on it or are expected to work with it. There has been a real transformation in the way that people are to be trained.

I pay tribute to the Ministry of Defence and to Metrix for the work that they are doing in my area. They are working very closely with the local community in my constituency. The development covers 500 acres and, to put the project into perspective, I can tell the House that it is bigger than the London Olympic bid.

[John Smith]

For the past 12 months, there has been an ongoing dialogue with the local community in St. Athan in the Vale of Glamorgan, and that has worked extremely well. Both organisations have listened to the community, and amended some of their proposals accordingly.

The local authority is also working really well on progressing the planning application for what is a huge development. I am sure that the Minister will understand that there is concern in my constituency that the planning is got right. There are two areas of particular concern—housing and the transportation infrastructure—that I hope that he will look at, perhaps in liaison with the integrated project team under Brigadier Neild.

The development will provide 1,200 courses, and train thousands of students every year. Although there may be another new development quite close to the base, we do not have to worry about service accommodation. As part of the military covenant, the site will provide more than 90 per cent. of trainees with the best single-person accommodation in the world. It will all be brand new and purpose built—and so it should be. The new centre of excellence will make a wonderful impression on young recruits, but the people who work there—both MOD and civilian—will also need to live nearby. Therefore, it would be a good idea for the Ministry to talk to the Vale of Glamorgan council, the local planning authority. Its local development plan must provide sufficient new housing to meet the needs of the staff who will be coming into the area.

On transport, the Welsh Assembly Government have given a commitment to providing a surface link to the M4 before the academy opens. It is consulting Arup and considering the various options, and the Ministry of Defence and the Welsh Assembly Government must engage in close dialogue to make sure that the procurement project is advanced as soon as possible.

I am grateful for the Government's courage in grasping the nettle when it comes to training. The project is going to be huge and complex. Various sites will have to be rationalised, and all the services brought together. That will be a huge challenge for us, but I genuinely believe that it is probably one of the most important challenges that we face. I think that if we meet the training challenge, we shall be the envy of the world.

4.10 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): We have just been given a perfect example of the ingenuity and skill of the hon. Member for Vale of Glamorgan (John Smith). He managed to present a training programme as procurement, and I did not see you twitch for a moment, Mr. Deputy Speaker. He brings the same ingenuity and skill to all that he does in the Defence Committee, and we are grateful to him for his work.

Let me echo in particular what the hon. Gentleman said about the servicemen and women who have died in theatres of war. How lucky we are that they go out there, prepared to sacrifice everything in defence of the values of this country. They are the best of this country, and we are very lucky indeed as a result of what they give to us and what they give up.

This is the first defence procurement debate that we have had since the man who was probably our last ever Minister for Defence Procurement resigned in order to take up other challenges. We do hope that he wins the race. *[Interruption.]* We are talking about Le Mans in this instance.

I think it right to pay tribute to the work of Lord Drayson. He brought great industrial knowledge and skill to his job, and I believe that industry recognised that he proved to be of great benefit to defence in general and to the country. His replacement, Lady Taylor—she is a great friend of mine, having been Chief Whip at the same time as me—brings great political skill to her job. It will be very beneficial to bring together those two skills. We hope that a degree of progress will be made by the Ministry of Defence once some steps have been taken in the work of procurement.

Mr. Kevan Jones: When the permanent secretary gave evidence to the Defence Committee, I predicted that the defence industrial strategy and the tempo of change in the procurement process would not survive the departure of Lord Drayson. Does the hon. Gentleman agree that that prediction has come true?

Mr. Arbuthnot: Yes. In fact, I was about to say something about the defence industrial strategy. The original strategy provided the vision that, for the first time ever, the Ministry of Defence would set out what the United Kingdom defence industry was going to do, what it was not going to do, where it should be developing its investments and what it should be planning for the future. The budget was to be clear, which is why the Chief Secretary to the Treasury was signed up to the strategy. Then Lord Drayson left and the premiership changed—although not in that order—and seemed to break down. In November last year, we were told that "Defence Industrial Strategy 2", which we had expected to be published before the end of last year, had to be delayed for a few months until the 2008 planning round.

It seemed sensible—and industry seemed generally to support it—for the planning round to inform precisely where the defence industrial strategy was going. Unfortunately, the planning round itself seemed to run into the sand. I was delighted to hear today, for the first time, that it has actually finished, although I am not entirely sure what has come out of it. It seems that we are now looking forward to some sort of review that will go into the 2009 planning round. We are told that it will be published some time in the next few months, but we were told that about "Defence Industrial Strategy 2" last year.

Where is industry in all of this? It seems to have had the dialogue it had with Lord Drayson under the defence industrial strategy completely cut off. There seems to have been virtually no dialogue, so how can the industry decide where it is to invest and where things are going? There seems to be a sense that industry does not know what is happening because no one else does either. It is worrying that a sense of paralysis is coming from the MOD, and it is caused, frankly, by a budget that is so tight, given the level of operations we are facing, that things are beginning to break.

My hon. Friend the Member for Aldershot (Mr. Howarth) spoke about the Defence Export Services Organisation. When I was the Minister for Defence Procurement, making all these mistakes that have been referred to from the other side of the House, I found that DESO was an absolutely outstanding organisation.

It did really good work for this country and provided a link between the uniformed personnel, the industry and the MOD that was really valuable overseas. If the transfer of DESO to the Department for Business, Enterprise and Regulatory Reform breaks that beneficial link, it will be a tragedy. I believe it probably will, frankly. I was delighted that my hon. Friend said that a future Conservative Government would reverse that policy.

After all this muddle over the planning rounds, we have had a succession of different announcements. They do not seem to have been informed by any particular strategy on procurement, but we have had a welcome announcement on the future strategic tanker aircraft. The manufacturers seemed a bit surprised that we were buying that capability in the way we were, implying to the Defence Committee that it was probably a rather expensive and time-consuming way of achieving something that the Australians seemed to have achieved in a far shorter time scale. Nevertheless, the FSTA is a welcome renewal of a capability that we definitely need.

I am delighted that we are closer to having some clarity on the carriers. Industry in this country will be pretty pleased that it has been announced that a contract will be signed. I understand that the contract for the carriers will be signed once the new ship company has had all the shareholder consultation that is necessary. I hope we have some clarity by the end of July.

The trouble with the carrier decision is that it initially came out of the strategic defence review at the end of the 1990s, which was based on a surface fleet that was going to be much larger than our current surface fleet. It will now take such a high proportion of the defence budget that many people—Sir Michael Quinlan wrote an article in the *Financial Times* in February—will wonder whether this capability should be provided in a different way. These are questions that need to be considered and answered. The point about the Type 45s being reduced to six is a worrying one. It does not look as though Britain, as a maritime power, will have the footprint—if that is an appropriate thing to talk of in maritime terms—around the world with the number of ships we need. There is a definite quality in quantity.

The hon. Member for North Devon (Nick Harvey) said that perhaps the Government had made the right decision, and that we need more ships but they may not need to be Type 45s. However, it seems to me that the decisions we are taking reduce the number of ships that we have, and therefore the influence and reach of the Royal Navy, in a way that is potentially devastating to the influence of this country.

I would like to know how many joint strike fighters—the things to go on the aircraft carriers—we are going to get. The initial announcement was that we were going to get up to 150 joint strike fighters. All in this House know what "up to" means; it means "fewer than". Thus we will get fewer than 150 joint strike fighters, and I understand that each aircraft carrier will be able to take 36 of them. The Ministry of Defence has just told the Defence Committee that there was never any intention to deploy two aircraft carriers with a full complement of joint strike fighters at the same time, and I do not know what consequences that statement will have.

Nevertheless, this will be a very capable aircraft. When I originally saw the proposals for the aircraft, I was very enthusiastic about it, partly because it would give us access to new technology, particularly on stealth matters, and partly because each aircraft was going to cost only $33 million. The price seems to have gone up a bit since then, and there seems to have been a bit of difficulty with the international traffic in arms regulations—ITAR—as to whether we get access to the new technology.

Mr. Michael Jack (Fylde) (Con): My right hon. Friend expresses a doubt about the number of the aircraft. From his standpoint on the Defence Committee, is he convinced on two grounds—the question of the exchange of classified information and the maturity of the test-flight programme for the short take-off and vertical landing version of this aircraft—that a decision on a commitment on numbers could yet be made?

Mr. Arbuthnot: No, I am not convinced that a decision on a number of aircraft could yet be made. Nevertheless, it would be helpful to have a rather better indication than the current one of somewhere between 36 and 150. Essentially, the defence of this country has to be based on what we need to defend ourselves. We have been told by the Ministry of Defence that this decision will be taken on the basis of what we can afford. That obviously must be a very serious consideration in this decision, but the first duty of Government is to be able to defend the country, and that will require a suitable number of joint strike fighters.

The future rapid effect system—FRES—used to be more than just a vehicle acquisition programme, but that is what it seems to have become. As a vehicle acquisition programme, I believe it to be this country's most important procurement, because the armed forces are in constant contact with the enemy on the ground and they need proper protection. When our forces are dying because of roadside bombs when we have the capability to protect them better, we ought not to hold that procurement up by bureaucratic delay.

I believe we were told last summer, at the trials of truth, that a decision would be made in November that there would be a downselect. In November, there was a downselect from three vehicles to three vehicles. That struck me as slightly strange, but we were also told at the same time that the downselect of the utility vehicle would be combined with the selector of the utility vehicle integrator. That has not happened. Therefore, the design of the vehicle is ploughing ahead somewhat strangely as no one knows who the integrator might be.

Mr. Kevan Jones: Does the right hon. Gentleman agree that the delay is convenient for the Ministry of Defence? Irrespective of what it tells me in parliamentary answers, the Mastiff and other vehicles that have been purchased are part of the FRES family. They are being pushed further back to manage the commitment programme.

Mr. Arbuthnot: I agree, but I do not know whether that is convenient for the MOD or whether it is confused on the issue. Baroness Taylor has told the Defence Committee that the Mastiffs are not part of the FRES programme, but surely they have to tie into that programme, in some definable and predictable way, so that we know how they react with each other.

Mr. Jones: The right hon. Gentleman and I attended the trials of truth when Lord Drayson said, in response to a question I asked him, where Mastiff and the other vehicles fitted in. We were told then that they were part of the FRES family, so something has clearly changed since the departure of Lord Drayson.

Mr. Arbuthnot: Yes, indeed, and we need to have some answers to those questions. No doubt Baroness Taylor will give us some answers to those questions, but we need to ask them. The programme is important and I wish we could have more clarity about when we will get those vehicles.

Mark Pritchard: Obviously the decision on Piranha V from General Dynamics has been made, but my right hon. Friend is right to make the point about the vehicle integrator programme. Is he aware that BAE Land Systems in my constituency, which employs several hundred people, is keen to hear as early as possible who will be picked for that integrator programme, as it could well be that company?

Mr. Arbuthnot: I am aware of that. BAE Land Systems is not alone in being very keen to discover who will be picked, because I am, and I am sure that the rest of the House is, too—

Mike Penning: So are the soldiers.

Mr. Arbuthnot: Let us never forget that. It is the soldiers who need to be protected. What they are doing in Afghanistan and Iraq, they are doing for us—not for politicians but for this country and the stability of the world. We should pay them a great tribute for that.

I echo what the Minister said at the beginning about the success of urgent operational requirements. These have been very successful. There is always the question of how, when some equipment comes into the MOD's inventory as the result of a UOR, the subsequent maintenance costs will be paid for. Will they continue to be paid from the contingency reserve?

I also echo the words of the hon. Member for North Devon who said that the Future Lynx was an urgent matter. We are generally short of helicopters. I hope that Ministers will be able to provide more details once they have read the report of this debate, but it looks as though the number of helicopters owned by this country will be dramatically reduced over the next 10 to 15 years. However, this is the time when the number should be dramatically increased. Because of the roadside bombs and other threats in Afghanistan, it will be necessary for more work to be done by helicopter as opposed to by vehicle, so we need more helicopters.

In that connection, I want to comment on the partnering arrangements, which seem to have worked very well, between the Ministry of Defence and Finmeccanica. They are a mechanism whereby the MOD can save a lot of money and can introduce the integrated operational systems that will really help it as well as bring in some of the industrial skills that it desperately needs. I hope that we can hear more about where partnering is going. It seems to have worked in the helicopter division and it ought to work in other divisions, too.

On individual programmes, when a coroner makes strong remarks such as those that the coroner made recently on the tragic Nimrod crash, the whole country wants answers to the questions about whether those aircraft are airworthy. I am sure that there are answers to those questions, and we want them to be given so that the public can have confidence in what our men and women who are still flying those aircraft are doing.

I turn now to the method of procurement. The threats that we face change constantly. There is no point in our trying to decide 15 years beforehand what needs to be the answer to a question that we do not yet fully understand. We need a series of platforms that are flexible and have the connections to allow us to evolve them. We need a procurement system that allows for precisely that change in procurement. In order to achieve that procurement system, we need personnel in the MOD who are well trained and have the commercial and industrial skills and the commitment to different programmes to deliver those procurements.

We know that there will be a vast reduction in the number of people at Abbey Wood. We also know, because we have been told, that because of the operational tempo many of the people at Abbey Wood cannot be sent out for the training that they desperately need on current procurements. That strikes the Defence Committee as seriously short-sighted. The operational tempo should not mean that people are not trained to do properly the jobs that they need to do. That training should be absolutely essential in getting that important work done.

Finally, we need skills not merely in the MOD but in the industry and the country as a whole. Unless we improve our science base in this country, and unless we can commit some of that science base to the sort of research that QinetiQ has been telling us leads to battle-winning capability, we will not have that capability. If we do not have that, we will be in real trouble.

4.33 pm

Mr. David Crausby (Bolton, North-East) (Lab): Of course our forces are entitled to the best equipment. That could not be more graphically demonstrated than by the loss of so many of our brave young people this week. That equipment should be purchased, and at the right price. It should deliver security of supply and, above all, be dependable. The safety of our forces is paramount and value for money is vital, but I am obliged to say that in the main and in the long-term the most secure and dependable supply is a local supply manufactured and delivered by the UK for the UK and in the UK. I completely accept that urgent operational requirements and international co-operation are separate matters, but in the long term, in the main, we should buy British.

The Government Front-Bench team may be a little tired of hearing from my hon. Friend the Member for Chorley (Mr. Hoyle) about the cut-and-sew contract to supply our soldiers' uniforms. He is absolutely right to complain about the way in which British jobs were sold out when we allowed our uniforms to be manufactured abroad. The contract was placed with a company in Northern Ireland that immediately transferred production to China. That five-year contract is coming up for renewal, and I sincerely hope that we will soon see an end to the scandal of British soldiers wearing uniforms made by one of our commercial and military rivals.

Ridiculously, British soldiers wearing uniforms made in China are working alongside Afghan army soldiers, who enjoy the luxury of having their uniforms tailored in Lancashire. Does anyone really believe that the Chinese or the Russians would dress their soldiers in Lancashire cotton? I do not. It would be funny if it was not so sad. All that we ask is that when the Ministry of Defence lets the contract again, we ensure that the product is produced in Britain, or at the very least in Europe, and that we are not in the appalling situation of supplying our troops with inferior kit that then has to be repaired in Britain.

The aerospace industry also profits greatly from Lancashire. The British aircraft and aerospace industry is second in size only to America's, and it is a significant driver of economic growth and productivity. We should be enormously proud of it, and we must make certain that we look after it, not just because of the jobs involved, but in the interests of our military sovereignty. We have been able to maintain our position as the world's second largest defence supplier, and so we should. After all, we are the world's second largest defence importer. The British defence industrial base has a proud, successful history, but the smart trick will be to ensure that we have a long, successful future.

We choose to spend more of our taxpayers' money on defence than many of our European partners, and we are right to do so. I hear all the talk about co-operation with our allies, but the first step towards that co-operation is for our allies in NATO to start spending the same amount of gross domestic product on defence as we do, and to be as prepared to put their soldiers and service people in harm's way as we are. Britain has the most open market in the world, and that, no doubt, drives down costs and improves the quality of our defence-related products. We must ensure that our willingness to allow access to our markets does not result in the decimation of British jobs or loss of essential skills and British intellectual property.

Mr. Kevan Jones: Does my hon. Friend agree that the policy of an open defence market has also led to significant investment in the UK from Thales, Finmeccanica and others? That has helped to support and perhaps grow our defence industry.

Mr. Crausby: Absolutely; valuable contributions have been made. My concern is not so much about international ownership as about British production. From a defence point of view, as long as manufacturers are prepared to produce products using British workers, and to keep that under British control, I am happy. We must ensure, however, that such openness is not a door that opens only one way. Too often that is the case, certainly as far as the Americans and many of our European partners are concerned. We are, as my hon. Friend described, privileged to be involved with some first-class international aerospace co-operation programmes: the joint strike fighter, the Eurofighter Typhoon and the A400M, for example. They are first-class products and we must take full advantage of them.

I am disappointed that we have suffered so much slippage in the A400M transport programme, and I am concerned at the way in which we work our ageing Hercules Lockheed C-130 fleet in such difficult circumstances in Iraq and Afghanistan. We must ensure that we provide first-class equipment for the transport of our armed forces. When the Main Gate approval decision was made in May 2000, the in-service date for the A400M was predicted to be December 2009. That was revised in May 2003 to an in-service date of March 2011, and Airbus Military recently announced that the initial aircraft delivery date will slip a further six to 12 months, taking us to December 2011.

At Defence questions on Monday, I was disappointed with the vague answer that I received about the numbers of A400M aircraft that we intend to procure, and when we can expect them to come into service. The delivery dates for the 25 planes that we have ordered span 2010 to 2015, and I believe that this House is entitled to be informed in much more detail of the reliability and security of our transport fleet.

Again, the joint strike fighter is an exciting prospect, but it is disappointing that it will not be ready in time to fly off our new aircraft carriers—provided, of course, that the carriers' launch dates do not slip from 2014 and 2016. The Eurofighter Typhoon has been another tremendous success, for Lancashire in particular, even if it was a long time coming. However, we are entitled to an early decision about whether the Government intend to purchase tranche 3.

One problem for industry is that once existing orders for both air and maritime platforms are completed, there may be no new requirements for new platforms for some considerable time, so we need to make the very best of what is available to us now. Our industrial base needs certainty, too, and although the defence industrial strategy was a considerable achievement, we seriously need an update.

In the Minister's opening remarks, he referred to the Government's review of the budget over the next three years, 10 years, or whatever, covering 2008-09 to 2010-11 and thinking even further ahead. I accept completely that they may need to make some difficult decisions, but whatever is agreed we should adopt a realistic and affordable programme. If we need to commit to an entire equipment programme, we should get on with it, instead of allowing programmes to slip further and further in the hope that no one will notice. Most importantly, if the Government are prepared to make such a decision, none of us should play party politics with the issue. It is far too important to play games with. I urge the Government Front-Bench team and the Ministry of Defence firmly to decide our future requirements, and to do so very soon.

4.44 pm

Mr. Michael Jack (Fylde) (Con): I should like to associate my comments with those of other right hon. and hon. Members about the brave members of our armed forces who have sacrificed their lives in operational theatres such as Iraq and Afghanistan. That was brought home to me only too graphically when an officer whom I got to know completed his tour of duty in Iraq and within a few months was having to tell his family that this year there would be no summer holiday with him present because he had to go back to Iraq. That brings home in human terms exactly what tours of duty really mean, particularly for those who are left behind in this country.

Equally, none of the equipment programmes that we have discussed could occur were it not for the skilled personnel of the defence companies of this country. I

[Mr. Michael Jack]

think particularly of the BAE Systems work force at Warton in my constituency—the engineers, software developers and so forth. Without the human dimension, none of these systems would be possible.

I am struck by one of the overriding themes of the debate, which was built on by the comments of the hon. Member for Bolton, North-East (Mr. Crausby) about the British contribution. I am a great believer in what the United Kingdom's defence industrial base can do, either singularly or working in concert with our partners in Europe, to ensure that we maintain a capability over which we have some degree of control. That was recently brought home to me when I read in the newspapers of the possible removal of senior air force personnel in the United States after its new Defence Secretary, Robert Gates, questioned some of the blunders that had been made. In the same article, questions were raised about the future of American programmes such as the F22—a highly complex, very expensive fighter that had attracted the attention of the Japanese in meeting their own air defence requirement. If that programme were to be sacrificed, the overtures that BAE Systems has been making to the Japanese about a possible purchase of the Eurofighter Typhoon would have much better prospects. Unless we can keep such programmes going, export opportunities such as that to Japan, or possibly even, in the long term, to India, will not arise. I could not support the idea that in future we should simply sacrifice our defence procurement requirements to whatever comes off the shelf from somebody else; that is not tenable. The example of the possible export of the Eurofighter illustrates why we must have control over those capabilities.

Mark Pritchard: My right hon. Friend makes an absolutely vital point, which is that this country has its own defence requirements. We want to support the British defence industry, but when there are countries that are purchasing the same products as we are, and when we need that kit and capability, it is vital that those products are delivered to this country first and to a foreign country second.

Mr. Jack: I concur with my hon. Friend's contribution; I am glad that he underscores the importance of what I have said. In the aerospace industry, we are good at doing what we are doing, whether constructing aircraft, missiles, radar or ancillary equipment, or, in the case of Rolls-Royce, helping to build, in concert with others, the engines that power those aircraft.

I salute the Government for their investment with BAE Systems in the further development of unmanned and autonomous air vehicles, which is very much what future, post-Eurofighter Typhoon projects will be based on. However, if we are to make those projects work, or to update projects such as the Eurofighter Typhoon, we must keep in place the skilled work forces to enable the job to be done. That brings us essentially to the role of the Government as the single most important customer for those companies and technologies, and underscores the need to ensure that the objectives of the defence industrial strategy and the defence technology strategy weave their way through what the MOD does in future.

I was concerned when my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot), the Chairman of the Select Committee on Defence, indicated that there might have been a breakdown in the work of the noble Lord Drayson on the partnership arrangements, of which he was the author, that were evolving with industry under the defence industrial strategy. If that breakdown becomes reality, the chance of sustaining such teams of experts becomes ever more difficult.

The hon. Member for Bolton, North-East mentioned tranche 3 of the Eurofighter. Could those on the Government Front Bench, in the spirit of clarity and openness for which my right hon. Friend the Member for North-East Hampshire asked, for once be candid with the House about exactly what is going on? About a year ago, I sat in this House listening to the Chief of the Air Staff, who said, on the record, that a number of options—zero, 22, 44 or 88 aircraft—were being considered. I am aware that other variations on those numbers and timings of the off-take are being considered. I am also aware that the Government have a cash-flow problem, and that other partners in the Eurofighter consortium have agreed their off-take.

Whatever the numbers being considered, they have an implication. If we go for a lower number than we should in order to be compatible with the Government's promise that they remain committed to all 232 Eurofighter Typhoons, it could mean a substantial rearrangement of the work-share programme, which would affect the thousands of jobs in the aerospace industry in the north-west. BAe did an excellent job with Oxford Economics of establishing what that would mean in personal economic terms. There are about 60,000 jobs associated with the aerospace industry in the north-west, among 1,200 companies, which all work together on major projects. If we were to reduce the numbers, there could be some significant knock-on effects—not just at BAe's plants, but in other small and medium-sized enterprises that are the lifeblood of the north-west's engineering economy.

The Government also ought to be clear on the idea that they can somehow trade the Government-to-Government deal of 72 Eurofighter Typhoons with Saudi Arabia against their obligations to ensure that the RAF is properly equipped with the right number of planes. There should be candour on these matters in the House, instead of the ducking, weaving answers that I have had every time I raise the subject. The work force at Warton would like some degree of certainty about the future. They recognise the stretched nature of the defence budget, but the time is right for the Government to make their views clear. It is interesting that I say that at a time when we read in the newspapers that tests in United States air force ranges in Nevada on the operational capability of the Eurofighter Typhoon show how well the aircraft is performing in what is as near as possible an operational activity. If the long-term export prospects of the plane are to be realised, the more the UK Government honour their commitment to the project, the better.

I come to the joint strike fighter project, which was referred to earlier. I would like to see some tangible demonstration that the Government are, as Lord Drayson made clear, confident that they have solved the technology transfer issues that underpin the operational capability of the aircraft. No one has said anything, but Lord Drayson was very clear. He said that if that point was not demonstrable he would walk away from the project.

My right hon. Friend the Member for North-East Hampshire indicated that the clock is ticking on the decisions that have to be made about what will operate from the aircraft carriers. The Government owe it to the House to tell us in a straightforward way whether the United States are playing ball and showing openness on that point. I seek a reassurance from the Minister that we will not go too far down the road of committing ourselves to the next stages of the joint strike fighter process until we can be certain that the short take-off and vertical landing—STOVOL—version of the aircraft is capable of delivering, as they say, what it says on the tin.

Finally, I turn to the matter of unmanned air vehicles and autonomous air vehicles. It is interesting that names such as HERTI, Fury and Taranis are becoming the new lexicon of the aerospace industry in the north-west. I was delighted to read that HERTI has been deployed successfully in Afghanistan and that Fury has been to the San Diego exhibition in the United States. It demonstrated to the Americans that, in a relatively short time, we in the United Kingdom have been able to develop an unmanned air vehicle with a weapons capability, at a price that is probably much lower than that of the equivalent American product. That is extremely good news from the standpoint of our armed forces and industrial base. Again, it shows the benefit of our being able to maintain our own aerospace capability.

Some 250 people are currently employed on those projects, and in fairness the Government have supported Taranis. I hope that they will continue to provide an economic underpinning for those vital new technologies. They show once again that British innovation can speedily develop systems that are much needed in the field, at a lower cost than the Americans and probably with a higher operational capability.

I hope that, if the Minister is not able to deal with all my points in his wind-up, he will at least write to me in some detail to supply me once and for all with some hard answers, particularly on tranche 3.

4.55 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): It is a great pleasure to follow the right hon. Member for Fylde (Mr. Jack), who always talks not only in a spirited way about his constituency industry interests but knowledgeably about the aerospace industry.

I wish to mention the work of the Defence Committee. My right hon. Friend the Member for Walsall, South (Mr. George) said that it works on a cross-party basis to try to get good value for money from the defence industry, and that is true under the chairmanship of the right hon. Member for North-East Hampshire (Mr. Arbuthnot). Some of the time that I most enjoy in this place is spent in the Defence Committee.

My right hon. Friend the Member for Walsall, South, also drew on his considerable experience to remind us in no uncertain terms that procurement and its failures are as old as warfare itself. He and other hon. Members said that we are perhaps not paying a high enough premium for the defence of this country, and I agree. I hope that we will be able to set out a strong case for that.

I am not absolutely convinced of the need for a new strategic defence review. The Government have announced a review against the background of the security and resilience strategy, and the Defence Committee is currently undertaking an inquiry examining the implications of that strategy from the MOD perspective. That review may well come up with some answers more quickly and in a more focused way. I hope that it will provide the certainty that people are looking for on certain matters, but of course the history of the issue is strewn with a slightly different experience. Maybe I will turn out to have been over-optimistic.

My right hon. Friend the Member for Walsall, South, said that Nostradamus had had some success in his predictions. That reminded me of Machiavelli, who advised republicans—not princes in this case—that to try to guide a flood when it came, they needed to build bridges and dams. In the same way, we need to be agile in procurement and build capabilities that can flex to fast-changing circumstances and the threats that we face. The Government's need to weave that into the procurement process is perhaps greater than ever before.

It is certainly important that the Government get procurement right. There is always a tension between procurement and personnel in the defence budget, and money lost through overruns, delays and project difficulties is money that could have been spent on pay, accommodation, personnel and other improved kit. During the course of our inquiry we heard about major changes in the Defence Logistics Organisation and the Defence Procurement Agency, and about the transformation into Defence Equipment and Support. We need to exercise a considerable degree of caution about the speed of those changes, particularly given the reductions in personnel, although the savings from that may, in the end, be welcome. However, speed in change can sometimes result in cutting off one's nose to spite one's face. We will need to keep a close eye on that over the coming months.

Before I move on to naval matters, as hon. Members would probably expect me to, let me say that we in Devonport are still trying to get our heads round the idea of becoming a base for the manufacture of vehicles for use by the Army and the Marines. I hope that the Under-Secretary will be able to clarify a little the different types of vehicle that we are talking about and the roles that they play. There is a huge demand for the Supacat vehicles that are being manufactured in Devonport, and they are welcome when they arrive at their deployed destination.

A year after Babcock took over responsibility for Devonport Management Ltd, which is no more—all the logos have been changed, and Devonport is now the UK base for Babcock Marine—and following the naval base review, there is a great deal of interest in Plymouth and Devonport in what the process means for our local industry and work force. I am looking forward to a meeting in early July, to which I will bring some of the community leaders from Plymouth to discuss with my right hon. Friend the Minister for the Armed Forces what the changes may involve.

Certain questions flow for Devonport from the fact that the joint venture has been formed and that the order for the future carriers can now be placed. HMS Ark Royal and HMS Illustrious are planned to leave service in 2012 and 2015 respectively. In the meantime, they will still require maintenance and docking, especially as they are getting older, as older vessels often need

[Linda Gilroy]

more attention. There is some interest in how that will pan out, as Devonport undertook refits and maintenance on the Invincible class in the 1980s and early 1990s.

There will obviously be disappointment about what I am sure was a difficult decision to make on the Type 45s, if for no other reason than that HMS Daring has well exceeded expectations in her sea trials. The six Type 45 destroyers that have been ordered to replace the Type 42 destroyers will certainly be a great asset to the Royal Navy. I would like to know—if not today, then at some point—whether consideration is being given to extending the lives of the later Type 42 destroyers. Even without the Sea Dart, they could still be useful in undertaking some of the general purpose tasks, to which I will return when I talk about the numbers of frigates and destroyers, that were referred to earlier.

Before that, let me mention in passing the Astute programme. As the Defence Committee has uncovered in so many of our inquiries, it is essential that sufficient orders are placed, in order to keep up the drumbeat and to keep up the skills base. That is as important to the future deterrent as it is to the current Astute programme, not only to ensure that the Navy receives the submarines that it requires, but to ensure that the skills necessary to build those submarines are not lost before work begins on the successor to Trident. I hope that the Under-Secretary will confirm that it is still the intention to order seven boats and tell us that he understands that confirming when orders for further units will be forthcoming would allow BAE Systems to plan with greater certainty and, potentially, keep the costs down.

Much has been made of the numbers of frigates and destroyers being built but, as I set out in considerable detail in my Adjournment debate on 5 March, I believe that simply building greater numbers of ships is an over-simplistic answer. We need a wide, balanced and flexible range of capabilities. The Royal Navy's warships have always been multi-purpose. Destroyers protect carriers and amphibious ships from air attack, while frigates have the primary role of hunting submarines. Both have the secondary role of carrying out a range of medium to low-level tasks, from anti-piracy and counter-drugs operations to humanitarian missions and guard ship duties.

We have always ensured that the ships are state of the art, in order to be effective in their primary roles. The Type 23 frigate, together with its Merlin helicopter, is the quietest and most effective anti-submarine frigate in the world. The Type 45 destroyer, with its Aster missiles and Samson radar, is also world class. However, this has had the effect of pushing up costs to the point at which it is no longer possible to build them in sufficient numbers to fulfil their secondary roles. The cost of a Type 45 is approximately £1 billion.

It is therefore time for us to consider separating the two roles. A frigate undertaking humanitarian operations in the Caribbean during the hurricane season does not really need to carry anti-submarine weaponry. Nor does a destroyer intercepting pirates off west Africa really need the world's most advanced anti-aircraft missiles. Perhaps it is time for us to develop a small, flexible design for an escort—a light frigate that we can build in sufficient numbers to carry out that multitude of tasks. The future surface combatant has been mentioned, and I hope that the Minister will set out whether that is the direction that the future surface combatant will take us in, with a capability to be adapted by spiral insertion to meet what are by common consent the uncertain and changing threats and roles that we shall face in the future.

In conclusion, I shall return to the point at which I started, and stress the importance of getting the underlying procurement process right. Our Defence Committee report was broadly positive about the direction of travel, although we certainly have concerns about the speed of change and about the generation and mix of skills. The aim must be not just to take out cost but to improve quality and speed of decision making, and I believe that the Chair of the Select Committee was absolutely right to sound a note of caution. The coming months promise to bring plenty to keep our Committee busy on the procurement front, and I look forward to the discussions that I shall shortly have with community leaders about the prospects for Devonport's continuing important role in supporting the Royal Navy and our vital deployments in Iraq and Afghanistan.

5.8 pm

Mark Pritchard (The Wrekin) (Con): I should like to put on record my tribute and thanks to the brave men and women of our armed forces who are serving in Iraq and Afghanistan, and in other places around the world. They do an excellent job and we are all rightly proud of what they do.

The future rapid effect system—FRES—has been mentioned today. My constituents who work at BAE Land Systems, and those who work at associated engineering companies in my constituency and in wider Shropshire, were disappointed by the decision on Piranha 5 and General Dynamics, which preferred the VBCI vehicle, but we have moved on from our disappointment and hope that the Ministry of Defence will now look closely at the excellent work force at BAE Land Systems and in Shropshire generally, and that it will consider my constituency for the vehicle integrator programme. The Minister will know, having visited my constituency, that Shropshire has a long and proud history of serving Her Majesty's armed forces—those in uniform and civilians—and that there is a wide, sound industrial base in the county and across the west midlands.

I also pay tribute to the Defence Support Group and to all those who work in the Army Base Repair Organisation and the former Defence Logistics Organisation, which has now been re-branded. Nevertheless, the demand for logistics and the supply of urgent operational requirements continues and the work force in my constituency and the county of Shropshire more widely continue to be called on to deliver UORs, often at very short notice, to Afghanistan and Iraq, yet they deliver time and time again. I hope that the Minister will pay tribute to them on the record in his concluding remarks.

I hope that the Minister will also take the opportunity to ensure that the Army Base Repair Organisation has a long-term future. Some months ago—perhaps over a year ago—there was a question mark over it, but after the excellent report of the Defence Select Committee, the Government rightly recognised that the attrition on armed vehicles in Afghanistan and Iraq and the greater wear and tear on them would mean further repairs.

After the Defence Select Committee review, as well as a review by the MOD, Ministers took the right decision and said that ABRO should not be downsized or relocated but extended, and called for further recruitment to it. I pay tribute to ABRO's work. Having briefly visited Iraq with the armed forces parliamentary scheme—indeed, I also visited Afghanistan just some weeks ago—I can pay personal tribute to ABRO on its excellent work. Certainly, the 1st and 2nd Battalions of the Yorkshire Regiment pay tribute to its excellent work in getting damaged vehicles and those broken down back to the front line.

The hon. Member for Vale of Glamorgan (John Smith), sadly no longer in his place, alluded to issues about defence training, the defence training review and the defence training rationalisation programme. I am not trying to hark back to the past, as clearly a decision has been made for the programme to go to RAF St. Athan, but the Minister needs to come clean not just with the people of Shropshire and the west midlands, but with the people of Wales. Some real issues remain about the delivery of the programme, particularly on the lack of infrastructure in Wales and the squabbling between the Welsh Assembly, the Ministry of Defence and local authorities. The hon. Member for Vale of Glamorgan himself made some comments about that. He did not go into too much detail, but there were enough hints of concern in his speech to suggest that the defence training review programme might well be delayed. If that happens, it will be bad not only for Wales, but for Her Majesty's armed forces. I hope that the Minister will look again at the county of Shropshire, where we already have the infrastructure and the right people in place and where we have the experience necessary to continue to deliver the sort of defence training that Her Majesty's armed forces quite rightly expect and deserve.

One key issue that the hon. Member for Vale of Glamorgan did not mention is the fact that training can be delivered only if there are trainers to deliver it. Local surveys carried out in my constituency by the Public and Commercial Services Union—a mostly excellent union in much, not all, of what it does—revealed that the majority of experienced, hard-working, dedicated and loyal MOD trainers were for many reasons unable or unwilling to move to Wales. The differential in house prices was one of the key reasons, as house prices around St. Athan are about 25 or 30 per cent. higher than in some of the Shropshire locations. That is a real issue. The Government might find themselves with a training establishment—the building and roads might eventually be built—but the Minister might find that there are no trainers to deliver the training. That is a strategic issue about the procurement of defence training, which will obviously impact on the British armed forces as a whole.

In my final minute—I have other things to say, but I am aware that time is running out for other Members who want to contribute to the debate—let me deal with the issue of hypermass technology. In the debate on Trident, I mentioned that the defence industrial strategy made no reference to such technology. The Government need to look at that. While I support nuclear, there are instances in which weapons of overwhelming force might need to be used when we could not use a nuclear weapon. We have only conventional missiles. We need something between a conventional missile and a nuclear missile so that we have more flexible options when dealing with increased threat.

On unmanned aerial vehicles, while I completely agree with my right hon. Friend the Member for Fylde (Mr. Jack), it is right that we should have as much capability as we can within the UK. Without going into geographical detail, my concern is that in parts of theatre where UAVs are being used, it is not necessarily always British hands that are involved in every application of the UAV mission. That could raise conflict of interest issues.

On cyber defence and the defence industrial strategy, we know that although China is a great nation in many ways and that it has a fine people, its Administration have perhaps not covered themselves in glory on human rights and a range of issues. We know from the head of our own Security Service that China is very interested in our military secrets. Even in the House, we have been told about cyber attacks from outside, potentially from China.

I hope that the defence industrial strategy will carefully consider developing a British capability not only for cyber defence but for cyber offence, because as military equipment becomes more reliant on integrated systems, fly by wire, special forces and aircraft such as the Typhoon, having the defence systems to protect ourselves from cyber attack will be critical and we must also have the capability to go on the offensive should we choose to do so.

5.16 pm

Mr. Kevan Jones (North Durham) (Lab): I associate myself with the condolences expressed to those men and women of our armed forces who lost their lives in Afghanistan in the last week or so. In particular, I pay tribute to Corporal Sarah Bryant, the first woman to lose her life in Afghanistan. As a member of the Defence Committee for the last seven years, I have seen young men and young women doing a tremendous job in Iraq and in Afghanistan, and we should recognise the tremendous debt that we owe not only to those who have made the ultimate sacrifice in the last week, but to those men and women who continue to serve.

I do not agree with the hon. Member for North Devon (Nick Harvey) that we need a strategic defence review. The major strategic issues are still as they were in 1998 and a review would be a diversion from where we are now. The issue that we face is the fact that we have high-tempo operations in Iraq and in Afghanistan alongside what my right hon. Friend the Member for Walsall, South (Mr. George) put forward on the legacy programmes. We can all say that we would like to cancel or change them, but in practice it would be difficult to do so. The two run side by side.

The Ministry of Defence has been good in responding to demands in theatre, such as in Afghanistan. Urgent operational requirement has worked and I pay tribute not just to the people in the MOD who made that happen, but to industry. Not only large defence companies but small defence companies and suppliers have stepped up to the mark and delivered quickly. We have seen that clearly with vehicles, as well as with things that we do not and should not talk about, such as technology around counter-measures and improvised explosive

[Mr. Kevan Jones]

devices, which is saving lives in Iraq and in Afghanistan. That applies not just to our servicemen and women, but to those of other nations.

In the last few years, it has been common to kick defence around as a political football, but I agree with my right hon. Friend the Member for Walsall, South. Since I have been a member of the Defence Committee, we have had a consensus on a lot of issues, which is how it should be. Let us make it clear: all parties will go into the next general election with no commitment radically to increase the amount we spend on defence, although I, like my right hon. Friend, would argue for more defence expenditure. No one is going to do that, so we are facing some difficult decisions in respect of our armed forces.

Senior military personnel are in the same position. They may think that kicking these matters around will lead to easy newspaper headlines that will change things, but they must understand that they too have to make sure that we get value for money, in terms of both equipment and military organisation. Even though our Army has reduced in size over the past few years, there is still a debate to be had about its present structure.

Like most people, I welcomed the defence industrial strategy. It clarified the position regarding our armed forces' equipment, and also in respect of industry. I was sceptical about whether it would outlast Lord Drayson, and unfortunately I have been proved right. I said as much to the permanent secretary at the MOD when he came before the Defence Committee about a year ago. The uncertainty described earlier by the Chairman of the Defence Committee, the right hon. Member for North-East Hampshire (Mr. Arbuthnot), is not good: we need clarity, but I understand the pressures that the MOD is facing. The money that needs to expended very quickly on our armed forces' high-tempo operations must be laid alongside the existing defence budget.

That is a difficult thing to do, but sometimes I wish that the MOD would tell us the reality of the situation rather than trying to con us that, for example, the future rapid effect system is all about design, because it is not. If someone were to tell me that the vehicles that we bought for Afghanistan and Iraq were to be incorporated into the FRES requirements, I would accept that. It is a perfectly legitimate thing to do, but the MOD should tell us what is happening. That would be better then insulting our intelligence by maintaining that something different is going on.

We have been promised a new chapter on the defence industrial strategy, and we need one to remove the uncertainty facing industry. The right hon. Member for Fylde (Mr. Jack) talked about skills, and I have said on numerous occasions that the skills that we need in our defence industry cannot be turned on and off like a tap. Decisions need to be taken now, and some major projects may have to be cancelled. For example, I welcome today's announcement about Type 45 destroyers, as that will give the rest of the defence sector the clarity that it needs.

Companies will know where to go for investment, and there will be an improvement in the investment that is made in skills. That is important, as it takes months—and sometimes many years—to upskill people so that they can handle the new technologies. That is why it is important that we get the clarity, to which I have referred, as quickly as possible.

The Government can be proud that the procurement process has had an impact on regions such as mine. For example, the two new carriers will have a major impact in the north-east of England. That will be felt in the traditional shipbuilding industry that will handle their fabrication, but all sorts of small and medium-sized industries will benefit as well. It used to be that large industries produced ships and other big pieces of kit, but those days are gone. Even so, the defence industry is worth about £2 billion to the regional economy of the north-east, with much of the work being carried out by SMEs.

That work is very ably supported by the company Northern Defence Industries, which champions the supply chain in the north-east and Yorkshire. It also works with the North West Aerospace Alliance to ensure that SMEs can access some of the work that is coming forward.

We need the clarity that I have referred to. Tough decisions must be made, and the sooner, the better. We need to make sure that we can produce the necessary equipment for our armed forces, and our service personnel must have confidence that they will get the kit that they will need in the future. Finally, we must make sure that the industrial base for this country's defence industry is retained and strengthened as a result of the key decisions that we take.

5.24 pm

Angus Robertson (Moray) (SNP): It is right and proper for me to add the condolences of the Scottish National party and Plaid Cymru, the party of Wales, to those already expressed following the tragic loss of service personnel in Afghanistan.

Procurement is not just about the acquisition of new assets; it is also about the responsibly managed transition from the systems that they are replacing. That applies most acutely to the Nimrod replacement programme, in which the current MR2 fleet based at RAF Kinloss in my constituency will be superseded by the MRA4.

I am pleased that the Secretary of State visited RAF Kinloss today. He will have met and heard from the air and ground crew as well as the civilian contractors, who do an excellent job and are working hard within the resource constraints to ensure that the appropriate safety standards are met. He will also have heard the concerns of the civilian work force and their union about job security. I hope he was able to provide the reassurances that they sought.

As matters stand, BAE Systems expects to conclude flight-test activities on its three Nimrod MRA4 development aircraft later this year. Nine MRA4s are under contract for the RAF, and there is also an option for the three refurbished design and development aircraft. It has been reported in the specialist aviation press that the first production MRA4 will achieve "power on" by September this year and will then enter an extended equipment fit, load and test programme before making its first flight next year. Under the current programme schedule, BAE Systems will deliver four production MRA4s to RAF Kinloss by the end of 2010, when the new type is expected to be declared to be in-service.

Colleagues in the Defence Committee, a number of whom are still in the Chamber, recently called on the MOD to reconsider its options in relation to the Nimrod MRA4. Without dismissing the awful track record of the programme or the lessons that need to be learned from it, I should stress that most of the costs have already been incurred. To walk away now would mean losing massive sums of taxpayer investment.

Although the delays and budgetary increases in the Nimrod MRA4 programme are of course cause for concern, another particular and deadly problem has resulted. Owing to the important capability of the existing Nimrod and the need for its vital services in a range of theatres, the 40-year-old Nimrod MR2 fleet has been pushed to the limits. In the recent case of Nimrod XV230, it proved fatal. Shortly after refuelling over Afghanistan on 2 September 2006, the aircraft exploded near Kandahar, killing all 14 personnel aboard. It was the biggest UK loss of life since the Falklands war, and more than half the victims were my constituents.

On 5 November 2007, a further mid-air incident took place, this time when Nimrod XV235 was over Afghanistan. The crew noticed a fuel leak during-air-to-air refuelling operations. After issuing an in-flight mayday, the aircraft was landed successfully. The Minister of State admitted recently that there had been at least 111 fuel leaks since Nimrod XV230 exploded.

On 4 December 2007, the report of the findings of the official board of the inquiry into the loss of XV230 was published. Four separate factors were listed as having contributed to the accident, and are a matter of public record. On 23 May 2008, only a few short weeks ago, the coroner who led the inquest into the deaths stated that the entire Nimrod fleet had

"never been airworthy from the first time it was released to service",

and urged that it be grounded. The assistant deputy coroner for Oxfordshire, Andrew Walker, added:

"I have given the matter considerable thought and I see no alternative but to report to the secretary of state that the Nimrod fleet should not fly until the Alarp"—

as low as reasonably practicable—

"standards are met."

The Chairman of the Defence Committee, the right hon. Member for North-East Hampshire (Mr. Arbuthnot), said earlier that we needed answers. I agree. We have been given no detailed statement, or indeed any detail at all. What I would describe as a badly advised and badly timed press release was issued only minutes after the deputy coroner had announced his ruling. There cannot have been time for serious consideration of the points that he had made.

Last December, the Secretary of State assured Members that Nimrod was safe, citing a report by QinetiQ. It has proved difficult to establish whether that was factually correct. It has taken freedom of information requests to establish that the report said that the aircraft would not be fully safe until its 30 recommendations had been implemented. All but one of those recommendations related to a failure to implement mandatory airworthiness regulations.

The inquest heard that if the risk of something going wrong on a plane is only "tolerable", MOD rules stipulate that it must be further reduced to make it as low as reasonably practicable—ALARP—before the plane can be declared safe. The QinetiQ report cited by the Secretary of State as showing the aircraft was safe in fact found that it was only "tolerably safe" but, because of the 30 problems, it was not ALARP.

It is still not ALARP. In a letter to me, the Secretary of State for Defence said that of the 30 recommendations, 21 have been accepted—using the present tense—by the MOD and are still being implemented. Six relate to air-to-air refuelling, which is no longer done with Nimrods. Three more are still—again, present tense—being considered.

Group Captain Colin Hickman, who is in charge of the safety of the Nimrod fleet, admitted to the coroner that the remaining Nimrods were not ALARP and would not be so until the end of this year. Asked if this process could be speeded up, Hickman replied:

"No, it is driven by resources."

Reassurances need to be given about transitional arrangements from the MR2 to the MRA4 and about safety standards for ageing systems facing replacement as part of a managed procurement process. We need answers on this. I would welcome the Minister giving some detail of all the 30 recommendations. How many have been fully implemented and when will the rest of them be implemented? It is only fair that we have the answers.

Some say this is a technical point, but I think it is easily understood by the man in the street. The situation now with the Nimrod fleet is as if a driver had been notified of 30 improvements necessary for his car to pass an MOT and, nearly two years later, he is only partially through the mandatory work and is still considering whether to go through with some of the other repairs. It would not be allowed in a car. Why does the MOD think it is okay for a plane? Given that the ALARP standard is the MOD's own standard, I do not understand why it is not complied with. I hope the Minister will explain that this evening.

5.31 pm

Mr. Bernard Jenkin (North Essex) (Con): I shall endeavour to be extremely brief and I join the tributes paid by colleagues to our armed forces.

The background to this procurement debate is of course what General Sir Kevin O'Donoghue, Chief of the Defence Materiel, told the Select Committee about the difficulty he is facing in this planning round, PR08. He said that it was different from anything that had gone before and was worse than the planning round of 2007. He had to think back to the 1970s for anything comparable. The essential problem is that the Government spending increases on defence have simply not kept up with either the costs of procurement or of operations.

As Lord Guthrie, the Chief of the Defence Staff, said at the time, the SDR was never fully funded. It is interesting that Ministers are keen to take military advice when it suits them but when they were presented with that advice back in 1998, they refused to take it. We have been living with the consequences ever since.

The Prime Minister likes to laud the £6 billion of urgent operational requirements that have been delivered to our front-line forces over recent years, but unfortunately UORs do not address the shortage of baseline funding.

[Mr. Bernard Jenkin]

Even PR08 foresaw a mere 1.5 per cent. real-terms increase to 2011, a minute increase compared with the increases given to other Departments over the years. Defence cost inflation, and the ring-fenced spending for Trident, for housing, for pensions and for the council tax rebate pretty quickly whittle that increase down to something minimal, if it is an increase at all. The Government's failure properly to fund the main equipment programme over the past 10 years has a direct consequence on operations, a very painful one, as the exchanges on Snatch land rovers demonstrated.

What capabilities do we really need? The Minister of State said on Monday, and repeated today, that the MOD now aims to

"shift the balance of defence procurement to support operations." [*Official Report*, 16 June 2008, Vol. 477, c. 663.]

That is a highly dangerous concept to pursue and it is very unsound to premise future operations on present operations.

Churchill always said that the War Office is always preparing for the last war, and it seems that nothing changes. What sort of wars will we be fighting in the next 30 years, which is the realistic time horizon on which we should be planning the major equipment programme? That is difficult to tell at the best of times, but we know that weapons proliferation will increase and that a huge shift is taking place in the distribution of power among the world's superpowers. Conflicts and crises will become increasingly complex and unpredictable.

At present, the Government's interventionist foreign policy simply does not match their defence policy of limited resources. Last week, General Dannatt said that

"the Army of tomorrow must retain the capability to fight Major Combat Operations (MCOs) and Stability Ops, both simultaneously and sequentially."

He is obviously correct in his assessment of the type of operations the British armed forces need to be able to conduct, and it is the duty of politicians to provide the armed forces with the capabilities they need and to provide best value for the taxpayer.

The idea of tailoring the armed forces to short-term requirements is too short-sighted. We accept that the opposite strategy of trying to provide for every eventuality at any time is too expensive. We need to strike the balance for which the right hon. Member for Walsall, South (Mr. George) argued, between readiness for immediate operations and readiness for the longer term.

In the face of that and in the current low-threat environment, we need what Admiral Sir Sandy Woodward has called a "core force strategy". That means that we need to spend the money on the big platforms—the expensive bits of kit—even at times of low threat, so that we are in a position to build up our armed forces at a later date should the threats change and that be necessary. The danger of transferring resources from the major equipment programme to short-term operations currently being undertaken is that we are playing poker with the future of this country. We have no idea what threats we might face in five, 10 or 15 years' time.

Those were the arguments that Ministers deployed in favour of renewing the Trident missile system and the Trident submarine. Those same arguments apply to every other aspect of our defence policy, and it is short-sighted to pursue the policy that the Government are beginning to pursue. The problem with the strategic defence review is not its content or its shopping list—everyone agreed that it was a pretty good blueprint for defence policy and the armed forces; the problem is the lack of money.

5.37 pm

Mike Penning (Hemel Hempstead) (Con): I thank my hon. Friend the Member for North Essex (Mr. Jenkin) for curtailing his excellent speech, as it gives me time to get in. He has great knowledge in this area, and the House will have missed the rest of his speech this evening.

I have no defence interests in my constituency. Hon. Members on both sides of the House have brilliantly defended the local businesses, services and units in their constituencies. My constituency contains a brand new cadet hut, of which we are very proud. It replaced the Territorial Army centre in my constituency—we were also very proud of that, and it is sorely missed. So I speak very much as a Back Bencher who is defending and speaking up for the troops in the armed forces.

I thought that the contribution made by the hon. Member for Bolton, North-East (Mr. Crausby) about uniforms was very interesting and factually correct. If the Minister were allowed to go to a quartermaster's department in an average regiment to take a look at combat kit—the uniform that has been handed back in—he would find that most of it had got the backside busted out of it. The quality of the kit being purchased from the Chinese is just not up to scratch, and it does not last as long as the uniforms that were made in this country. After the contract went abroad, it was obvious that the uniforms just did not last as long, as any quartermaster who has the guts to talk to the Minister will tell him. That is to do with quality, although lots of different things have been tried—for example, double-stitching on certain parts of the uniform. The particular uniform that I have been issued with by the armed forces parliamentary scheme is simply fantastic, but it does not look anything like what is being issued to my friends who are serving in the 1st Battalion Grenadier Guards. The uniforms are completely different.

I wish to ask the Minister some questions. I am sure that he will not have time to respond to all of them, so I ask him to write to me about the specific issues that I am about to raise. Can he confirm that all the C130s in operation have fire-retardant foam in the tanks? We all know about the disaster in which we lost all those servicemen. Long before that, Lockheed recommended to all the fleets around the world that fire-retardant foam be added to the tanks. Some countries added it; we did not, and one was shot down. It is too late for those who lost their loved ones, but I hope that the foam has been added to all the C130s on operations now.

Many of us had the honour of watching the trooping of the colour on Saturday. Those taking part are not toy soldiers, but operational servicemen—and women, these days—and we should all be very proud of them. When I served, many years ago, and trooped the colour, we saw very few service medals—a Northern Ireland medal and, perhaps, a United Nations one. On Saturday, there were servicemen and women who had more medals

than some of the second world war veterans wear on Remembrance day. That is a tribute to how often our servicemen and women go on operations.

Unusually for a former Foot Guard, I also wish to pay tribute to the Life Guards and the Household Cavalry, because they go on operations as well as carrying out their ceremonial duties. I was very moved by the Westminster Hall debate on Lance Corporal Compton last week. I have met Lance Corporal Compton and his burns are horrific. As I said, the House was shocked when I mentioned the fact that a bullet-proof vest is not fire protective. If a soldier is in a Scimitar that is hit, as Lance Corporal Compton was, and his colleagues are dying around him and he is alight, the last thing he needs is for the uniform that has been issued to protect him to burn. That is frightening. If nothing else comes from this debate today, I hope that we will now look at how we protect our servicemen and women in the field.

5.41 pm

Dr. Andrew Murrison (Westbury) (Con): I add my tribute to those that have been paid so warmly today to the fallen. It is a sad day today for British defence procurement, because the Minister has announced—sotto voce, if I may say so—the reduction in the number of T45s from the 1998 assumption of 12 to six. That is to be regretted.

My hon. Friend the Member for North Essex (Mr. Jenkin) wants to increase defence spending. I certainly hope that there will be no more reductions in our capability. My plea to the Minister, if he is tempted to make any further cuts, is not to do it on a tribal basis. In the past, the temptation has been to divvy up any cuts on an Army, Navy and Air Force basis, and that will not do. That approach underpinned "Delivering Security in a Changing World" only a few years ago, but it does not serve the British defence capability overall. That was probably what the hon. Member for North Devon (Nick Harvey) meant when he talked about salami-slicing.

The hon. Member for Plymouth, Sutton (Linda Gilroy) expressed her understandable concerns about the T45 programme. She also asked about these old workhorses, the T42s. I remember them well, and they are now old ladies. I would be interested to hear whether the Minister thinks that, in the light of his announcement today, their service should be extended. The hon. Lady also rightly asked for reassurances about the Astute programme.

While we are on the subject of the senior service, I should say how much I agree with my right hon. Friend the Member for Fylde (Mr. Jack) about the need for some progress on the decision on the technology transfer that will underpin our decision on the future of the JSF. If we are not going to get the JSF, we need to think very carefully about what we are going to do with our carriers.

It is always a pleasure to listen to the right hon. Member for Walsall, South (Mr. George). He spent some time saying that he hoped the debate would not be partisan, and indeed up to that point it mostly had not been. He made an important point, and the debate has been fairly on the level today.

We heard an excellent speech from the hon. Member for Vale of Glamorgan (John Smith). He was absolutely right—the procurement of training is every bit as important as the procurement of bits of kit and hardware. I shall come on to that in a moment. My hon. Friend the Member for The Wrekin (Mark Pritchard) underlined the same point. The hon. Member for North Durham (Mr. Jones) made a linked point by saying that we cannot simply, in his words, turn skills on and off like a tap in relation to the defence industry. Of course, he is absolutely right.

The hon. Member for Bolton, North-East (Mr. Crausby) gave a robust defence of the defence sector. He talked about Lancashire, and I suspect that Ghandi would be smiling down at this debate because, of course, he made a rather similar observation in relation to homespun all those years ago. The hon. Gentleman's point was supported by my hon. Friend the Member for Hemel Hempstead (Mike Penning).

The defence industrial strategy recognises that the defence industry is a business like no other. There is a delicate balance to be struck between protectionism, which we have learned is in nobody's long-term interests but which characterises the defence industries of our competitors, and the free market instincts towards which most of us, on this side of the House at least, would naturally incline.

France, Germany and the US protect their defence industries using a bewildering array of direct and indirect offsets and old-style state ownership. It is against that backdrop that we have to consider the way that successive Governments have dealt with the purchase of equipment for the British armed forces and the support that we offer our defence industry.

Underpinning the DIS is the doctrine of appropriate sovereignty. Many would say that that means very limited sovereignty or none at all. The question is the extent to which we can or should endeavour to control the means to manufacture and service our own kit and to ensure that we control imported items of a sensitive nature. As equipment becomes more complex, that becomes increasingly difficult, but from SA80 A2 conversions to anything reliant on GPS we are hopelessly dependent on other countries. Even if bits of our kit were wholly organic, we could not possibly mount an effective fighting force on land, sea or air if, for whatever reason, defence manufacturers outwith the immediate control of the UK decided to stop playing with us or became obstructive.

We should be realistic about the price tag that we put on the notion of appropriate sovereignty beyond highly specialised requirements relating to the independent nuclear deterrent, cryptology and the perverse desire of some to deny technology transfer. Of course, I have in mind the comments made by my right hon. Friend the Member for Fylde. Finally, but most importantly, we must not compromise on quality. Our troops are the best, but too often they have gamely put up with kit that frankly leaves a great deal to be desired.

A number of right hon. and hon. Members have talked about the urgent operational requirement, notably my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot) and my hon. Friend the Member for North Essex. It is generally accepted that the UOR has been a success. We do not know how much exactly—or even approximately—has been spent on it since there is something of a disparity between what has been announced by the Minister and his Department's outturn. Nevertheless, we know that it

[Dr. Andrew Murrison]

does not cover a raft of things that are consumed by war fighting and thus fall on a peacetime defence budget. That has been referred to in this debate.

The UOR process anticipates operations of short duration. We are five years into Telic, and as we recalibrate our expectations for the length of our engagements in Afghanistan we need to think about what constitutes "urgent" and how it will be funded. If the military thought that the UOR was Father Christmas, they were mistaken. What the Treasury gives with one hand, it takes with the other. Equipment provided quickly for war that would have been procured electively in any case is subject to both clawback and, of course, accelerated senility. However, we should give credit where it is due, and the UOR has meant that off-shelf equipment has been purchased, removing the risk of project delays and overspends and allowing truly smart procurement with limited scope for the MOD to mess up in acquiring kit, a capacity that the right hon. Member for Walsall, South referred to in a non-partisan sort of way.

Helicopters are bound to come into such a debate. The big story is the cut in the budget of £1.4 billion in 2004, which I am sure the Minister will accept, with the benefit of hindsight, was a mistake. If one talks to anybody in transit in a tracked or wheeled vehicle in Iraq and Afghanistan, they will say that they would rather be airborne. My hon. Friend the Member for Newark (Patrick Mercer) pointed that out. Helicopters have to be the means to get from A to B in hostile terrain, and following the announcement on Monday of a reconfiguration of British forces in Afghanistan and better force protection, I hope that we can look forward to optimising our air assets.

May we have an update on where we are with regard to making the extra Merlins that we bought from the Danes fit for purpose? Will they have an operational traffic alert and collision avoidance system?

Finally, I note that the Government called the debate "Defence Procurement", the implication being that they wanted to talk about tanks, ships, and aircraft, but let us be clear about the most important piece of kit in the Minister's, or any future Minister's, armoury. It can never be reduced to an acronym; it will never be the CVS, FRES or JSF. It has been the same since King Alfred repelled the Danes at Ethandune and Bloody Point. It is our sailors, soldiers and—though it pains me to say so and, sadly Alfred did not have the benefit of them in the 9th century—airmen. We must procure more of them, particularly for the infantry and pinch-point trades. We must reduce wastage of them, and we must ensure that their through-life capabilities are our first consideration.

5.50 pm

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): May I, too, put on record my admiration for the bravery, sacrifice and professionalism of our armed forces, who do an absolutely amazing job? Of course, I send my condolences to the families of those who have lost their lives.

This has been an interesting debate. Our armed forces are well served by the Members who are present; they take a great interest in, and think deeply about, the issues. I shall try to cover as many points as I can in the short time available to me. My right hon. Friend the Member for Walsall, South (Mr. George) brought his great experience to the debate, and made a balanced contribution. He said that the Government had behaved extremely responsibly; that was an important point. He noted that defence procurement is difficult, complicated and problematic, and strongly argued the case for improvements to procurement. A great deal has been done on the issue so far. He demonstrated a great grasp of the trials and tribulations of procurement, and talked about balancing the budget.

In an important contribution, my hon. Friend the Member for Vale of Glamorgan (John Smith) made a significant point about training. He has been a great champion of the defence training review programme and St. Athan, and he rightly raised the issue today. He wanted an update on progress, and I can tell him that discussions with the Metrix consortium are still ongoing on a range of issues. We will make an announcement as soon as we are in a position to do so. As he knows, package 2 has reverted to a conventional procurement process, managed in-house. Approval of an initial gate is expected soon. He also mentioned resettlement, and made the important point that the skills and experiences of our armed forces personnel allow them to get into the jobs market pretty quickly, but training is an important consideration, too.

My hon. Friend the Member for Bolton, North-East (Mr. Crausby) made a passionate speech about buying British and ensuring more British contracts—ideas that he has long championed. He mentioned the importance of the aerospace industry to the north-west. I count myself a Lancashire lad, so I agree that it is an important part of the world. He pointed out how proud we are of the British defence industry and its importance to maintaining links and partnerships, not just across the country but around the world. He made an important point about maintaining our skills base. He also asked about the Typhoon; we are continuing discussions with our partner nations and with the industry on tranche 3. Those discussions will continue throughout the year, and decisions will be taken as soon as possible.

My hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) has a great deal of experience in defence, and particularly naval, matters. She showed her knowledge and commitment to defence through the range of issues that she talked about. She mentioned the Navy's importance to Plymouth. She has been a great champion for Plymouth during her time as a Member of Parliament, and she regularly lobbies Ministers on a range of issues. She referred to future carriers, the Astute programme, the joint shipbuilding venture, and the size of the royal naval fleet. The joint venture is not yet formed, but is due to form on 1 July. It is still the Ministry of Defence's intention to order seven Astute boats.

It was asked why no decisions had been taken on the Future Service Combatant. It is in the early stage of concept design, and detailed criteria have not yet been defined. The number of ships required will be determined when the programme is more mature.

My hon. Friend the Member for North Durham (Mr. Jones) made a very important speech, showing his ability and his detailed grasp of defence issues. He made a number of points, but he referred in particular to the defence industrial strategy. Industry is, and continues

to be, in close dialogue with the Ministry of Defence on that issue. Industry is helping us to develop the DIS update, and it was represented at a very senior level only a few weeks ago.

Several other Members made important points. My time is limited, but I shall briefly go through them. The hon. Member for Moray (Angus Robertson) made a very important point about Nimrod. In the time that I have I am unable to deal with his questions, but I assure him that we will write to him as soon as possible. The right hon. Member for North-East Hampshire (Mr. Arbuthnot) has again shown his obvious grasp of detail because of his chairmanship of the Select Committee on Defence and his hard work on that. He raised a number of issues, as he has before.

The right hon. Member for Fylde (Mr. Jack) is very lively on the issues that he raises, and he raises them continually. I was quite interested by the point that the hon. Member for Aldershot (Mr. Howarth) made: basically, he said that when things went wrong with procurement under the Conservative Government, it was the experts' fault, but when they went wrong under this Government, it was Ministers' fault. That was a very interesting contrast.

The hon. Member for The Wrekin (Mark Pritchard) made an important contribution on modernisation and future technology. Shropshire is a great county. My grandfather served in the King's Shropshire Light Infantry. The hon. Member for North Devon (Nick Harvey) also made an important point about armoured vehicles, which I shall come on to, and the hon. Members for North Essex (Mr. Jenkin) and for Hemel Hempstead (Mike Penning) made impassioned speeches on issues that they are very keen to take further and explore.

It is important to deal with several issues that several Members raised, rather than refer to each individual Member, but I shall say a few words first. Making sure that our servicemen and women have the equipment that they need when they need it is central to our defence effort. That theme emerged throughout the speeches today, and it is of course essential to our operational success. The Chief of the Defence Staff has said that the British forces across the board are better equipped than at any time during his 40 years of service. The servicemen and women—including some quartermasters—whom I meet on my operational visits to Iraq and Afghanistan, and in the UK, tell me that they have the best equipment that they have seen. However, we can always improve that, and there is no complacency.

In the past three years, equipment to the value of £10 billion has been delivered to our armed forces. In addition to that expenditure, we have the urgent operational requirements process, which has been discussed in detail. It allows us to respond directly to feedback and requests from commanders on the front line—a key point to make—and it boosts capability where and when it is needed. We have approved about £3.5 billion since operations began. The investment has transformed personal equipment, from specially designed boots to the £29 million spent on new enhanced body armour, and it has doubled the firepower of an eight-man infantry section. The investment, as we have heard, continues to enhance and upgrade our protected patrol vehicle fleet—£500 million since operation began.

We have done a tremendous amount in the past two years to ensure that commanders have had a variety of vehicles at their disposal. However, as my right hon. Friend the Minister for the Armed Forces made clear in his speech, in reality no single vehicle is suitable for every task. We must listen to the commanders' views on that.

There was some confusion about vehicles, and in the few minutes that I have left I hope to clear that up. Members referred to a number of different vehicles that are available to operational commanders. Mastiff is a heavily armoured 6x6-wheel drive patrol vehicle, based on the US Cougar that American marines use. The MWMIK, known as Jackal, is a high-mobility weapons platform based on the Supacat vehicle. WMIK, which is part of the Land Rover family, is an open-topped vehicle that provides a better situational awareness and allows greater interaction with the local population.

There are three types of Land Rover: the basic, the Snatch and the WMIK. On the question whether the WMIK will replace the Snatch, just as with the question of the Mastiff and the Bulldog, it is our intention that the arrival of the Jackal, which is the MWMIK, and the WMIK and the Ridgback, will substantially reduce the use of Snatch vehicles, other than in a number of limited roles and operational tasks that commanders want them for. However, it is important to make the point that we have available a range of vehicles which has been much increased in the past year or two.

We are continually investing in programmes to increase the protection of our vehicles against all threats, including explosive devices. We are committed to the FRES programme and to deploying that capability as soon as we can. We are working hard to increase the level of helicopter support that we provide to commanders on operations. Since March last year, we have increased the number of helicopter, including Chinook, flying hours that we provide in Afghanistan by over 33 per cent. Driving through efficiency in our logistical support has been key to this process. The cost of high-end equipment is increasing, and we must have an equipment programme that is focused and sustainable.

It being Six o'clock, the motion lapsed, without Question put.

Parking Regulations

Motion made, and Question proposed, That this House do now adjourn —*[Steve McCabe.]*

6 pm

Dr. Vincent Cable (Twickenham) (LD): I am grateful for the opportunity to raise an issue that is expressed in very broad terms on the Order Paper but I wish to narrow down to a series of practical problems in the sphere of parking enforcement and Government guidance.

I am aware that there has been a substantial amount of activity in this field. In 2005-06, there was an excellent report by the Transport Committee. There has been a wave of Government regulation following the Traffic Management Act 2004. The Government have been very active in legislating in the past few years, and in a generally helpful and positive way, notably by introducing a single system of decriminalised penalties and by recognising that this is essentially a local function whereby authority should be devolved to local councils. In the process of introducing guidance, they have emphasised proportionality and more flexibility in how parking offences are dealt with. I am very positive about the way in which recent legislation has improved these matters.

However, there are still problems. I have brought this debate to the House because I have been alarmed by the sheer volume of casework that I am getting—and other MPs are getting—about parking offences, often on a staggering scale and involving real horror stories. Some of them can be dealt with through the individual appeals system that has been established and now works better. Some relate to parking policy, which is a matter for the local council rather than for me and for Ministers. However, there are a sufficient number of cases where it is clear that councils do not understand Government guidance or are not applying it. I felt it necessary to bring those to the Minister's attention and thought that the best way of doing so would be to cite one or particular examples that highlight the general problems.

The first example relates to a constituent, a 76-year-old lady—she did not wish her name to be publicised, so I will call her Mrs. F—who was regularly attending West Middlesex University hospital, just outside my constituency in the borough of Hounslow, to care for her elderly husband, who had a terrible combination of stroke, prostate cancer and Alzheimer's. She was therefore spending a great deal of time with him and finding it difficult to afford the cost—£1 an hour—of the hospital car park. One quiet Sunday morning, she parked in a nearby street, on a single yellow line. It was not a residential street, and there was no traffic, congestion or obstruction, but it turned out, although she was not aware of it, that she was committing a parking offence by parking within 10 m of a junction.

In the afternoon, somebody ran into the ward, where she was feeding her husband, and told her that her car was being taken away. She ran out of the hospital and remonstrated with the driver of the truck, who represented a company called NPC, a contractor of Hounslow council. He said that he had his job to do, that the car had already been loaded, and that she should retrieve it from the pound. She went home by taxi, obtained a set of documents, as she had been instructed, got another taxi to the pound, 5 miles away in another part of west London, and sought to retrieve her car. It turned out that the staff of the company did not accept her documents. They said that one of the insurance documents was not what they required, although she was clearly the owner of the car and had the key, so she spent an hour and a half on the phone to an insurance company trying to retrieve information, which was eventually sent by fax.

On that wet, cold evening, this 76-year-old lady was finally allowed to take her car for the payment of £250. A few weeks later, she got a £50 fine from the council, which she paid promptly because she had read the print at the bottom, which said that if people pursued an appeal, they were liable for cost.

There were two aspects of the case that worried me and raised wider issues than the rather desperate circumstances of that particular lady on that particular day. The first is the use of clamping companies for the taking away of vehicles. I raise that because the Transport Committee, when it considered the matter two years ago, said:

> "The removal of a vehicle by a local authority on the grounds that it is parked illegally is a very serious matter. The Chief Adjudicator...has concerns that vehicle removal may be incompatible with human rights legislation. The Government needs to examine this issue carefully".

The Government did, and in their response to the Select Committee they said it was a matter for the courts to determine whether provision is compatible with convention rights, but they concluded:

> "the view of the Department is that the powers which provide for the removal of vehicles in specified circumstances are proportionate in respect of balancing convention rights with the need to protect the safety of other road users and the general public interest."

It is clear that in this case that was not so, and there are many other comparable cases in which there is not adequate protection concerning the removal of vehicles. Given the strong comments of the Select Committee, I wondered whether anything further could be done on the matter.

A second aspect of the case is also troubling, and I have encountered it in a substantial number of other cases. It affected an elderly lady who had already suffered a great deal of financial loss, quite apart from her distress. She received a fine with a warning at the bottom that anyone proceeding with an appeal could be liable for costs. Subsequently, I took that up with Hounslow council and the Parking and Traffic Appeals Service—PATAS. They confirmed that, under Government legislation, the law prescribes what the notice must contain:

> "One of the requirements is that the notice must 'indicate the nature of a parking adjudicator's power to award costs against any person appealing to him.'"

Clearly, that is legally correct, and shows what Government legislation requires. I did a little research as to what it means in practice, and I discovered from PATAS that of 51,484 parking appeals in 2006-07, there were only 30 successful appeals by local authorities, with an average penalty of £64. Those were in extreme cases of vexatious, persistent offenders.

It was clearly never the intention that the warning about costs should be used to deter people from going to appeal. Indeed, the Select Committee said:

> "We encourage parking adjudicators to be...alert to their powers to award costs. Where motorists have been unduly inconvenienced by poor council performance some financial award can help to alleviate the sense of injustice."

The Committee saw it as a way of penalising councils, not individuals, but large numbers of people are being deterred because of the wording of what is currently presented as a Government regulation. I do not know whether there is any way in which that matter can be dealt with.

My second case raises the question of discretion for local authorities in the case of offences. As an example, I have chosen a gentleman I shall call Mr. L, who also wished to remain anonymous. He was a throat cancer patient at the same hospital who went in for emergency examination, and chose to park in the same road, also on a Sunday morning, seduced by the same apparent attraction of what he thought was legal parking. He was fortunate in that his car was not taken away, but he discovered a month later that he had incurred a parking fine of £100. He was told that he had not paid the £50 fine of which he was originally notified. He was not aware of that—these things get lost, and perhaps he was preoccupied with his condition—and he was faced with a £100 fine. He paid it for the same reason as the lady whom I mentioned: he was frightened by the warning about costs. I took the matter up with the local council and received the most extraordinary reply. It stated that it had sought legal advice, which was that:

"Parking Services cannot be selective when it comes to applying legislation, otherwise it could be accused of maladministration."

In other words, it could not exercise discretion because that would imply acceptance that it had made a mistake. It therefore could not apologise, compensate or show discretion of any kind. That is clearly perverse and absolutely stupid.

The Transport Committee acknowledged that that problem was quite widespread, stating:

"It is a serious failing that some local authorities are not properly discharging their responsibility to use discretion in considering representations. Councils must take this responsibility seriously in order that a just outcome is reached on each occasion."

The Committee was aware of the prevalence of the problem, but there are many councils that do exercise discretion. The AA recently suggested that 50 per cent. of all informal representations were successful and charges were dropped. Westminster city council allows 50 per cent. of its cases to drop when representations are made, Camden a third and Lambeth 40 per cent.

My borough of Richmond, which used to be quite harsh, adopted a policy some time ago that any first-time offender who presented reasonable evidence that the charge was unfair or unreasonable, or that there were mitigating circumstances, would have it waived. However, the council that I contacted appears to believe, and appears to have been persuaded legally, that it has no power to exercise discretion. I wonder whether guidance and advice from the Government is required, because some local authorities are behaving very strangely.

My third example raises a different issue, and one that the Government should be aware of because it will land in their lap sooner or later. A Mr. Beauchamp was fined for parking on a yellow line. He would have been parking illegally, but he was disabled and had a disabled badge that legalised his parking. He was fined because of one of these new mobile CCTV trackers that parking departments are using, which I believe were authorised in recent regulations. The problem was that for technical reasons, the camera could not see the dashboard, where his disabled badge was displayed. The same is true in other cases.

The local council was quick enough to realise that that was wrong and withdrew Mr. Beauchamp's fine, and I believe that it is now consulting other councils about the fundamental problem that the cameras, by their design, cannot pick up cases in which disabled badges are displayed. That approach will have to be dropped, or a large number of disabled people will pursue appeal cases or be fined without being aware that their position is protected. That, too, requires clarification from the Government.

I wish to raise a couple of wider issues, not so much about how the clarification of Government guidance can help in dealing with individual cases but about how we can deal with dissatisfaction with local authorities' parking policies. In many ways, that is an issue for local democracy and should remain so. There are protections through the Audit Commission if councils mishandle funding and through the local government ombudsman if they mishandle process. None the less, there are questions that are raised repeatedly and do not appear to have had a satisfactory outcome.

There is massive dissent about controlled parking zones in many urban boroughs such as mine. Councils are often caught in the middle, with some residents demanding controlled zones and others opposing them. There are bitter arguments about whether the procedures have been followed correctly and whether particular roads voted for or against the zone. It would help the residents and the council if there were a court of appeal of some kind—the equivalent of a planning inspector—that could examine such cases impartially. We could call it a parking ombudsman. I believe that the Select Committee considered that and decided against it, and the Government have not responded to the suggestion, but there may be scope for doing something of that kind.

The argument for doing so is reinforced by the fact that there are many other sources of dissatisfaction with local schemes. Another example is that people widely assume that councils' local contracts incorporate incentives to increase the number of fines. That may or may not be true, although the Committee was damning about those instances where it was. It said that incentive schemes were utterly misplaced and the Government agreed.

The problem is that nobody knows whether there are incentive schemes or not, because councils are not required by law to publish the details of their contracts or the annual accounts of their parking policies. Doing so is good practice and the Government encourage it, but there is no reason whatever why councils should disclose information about levels of fines or the process by which they are imposed. That gives added support to the principle that there should be a modest arrangement whereby a third party—we could call it an ombudsman or a point of reference—would perform a function that the local government ombudsman and the Audit Commission currently cannot perform. I leave the Minister with the thought of whether the Government have an open mind about that.

The final issue that I want to raise with the Minister relates partly to her Department and partly to the wider constitutional affairs issues concerning bailiffs. It is becoming increasingly clear from my casework that

[Dr. Vincent Cable]

large numbers of councils are issuing bailiffs orders at a fairly early stage in the process when people fail to pay their parking fines. Some people break the law, treating it in a very cavalier way, and they deserve to be sanctioned. However, there are many reasons why people do not pay fines, including the misdirection of mail, moving house, living in multi-occupancy flats and so on. In my experience, such people are increasingly encountering bailiffs.

One extreme case involved a gentleman from my constituency, a Mr. Cohen, who lived next door to a Travellers site. Several of the Travellers hit on the ingenious idea of registering their cars in the name of Mr. Cohen's property, which resulted in a large number of fines arriving at his address. He did not pay them, of course, because the vehicles concerned were not his, but bailiffs started arriving, on several occasions early in the morning and in one case in the middle of the night.

Now that bailiffs have additional powers under Government legislation, which I believe involves the limited use of force, the phenomenon has become extremely alarming. Has the Minister, in consultation with her colleagues in the Ministry of Justice, considered whether there should be some limitation on the use of bailiff powers in the case of what are, after all, minor infractions of the law, because of the potential difficulty that it is creating?

6.17 pm

The Minister of State, Department for Transport (Ms Rosie Winterton): I congratulate the hon. Member for Twickenham (Dr. Cable) on securing this debate. I am sure that all right hon. and hon. Members will be aware of what a concern the issue is to members of the public, and we all have quite large postbags on it.

I thank the hon. Gentleman for his support for the Government's direction of travel, if I may use that phrase, and for the Government's desire to see parking policies used positively. Good parking policies should be about helping to keep traffic moving, so that people can get to work, to the shops and to businesses, but not obstruct, for example, emergency vehicles. As he said, since 1991, there has been a move towards local authorities enforcing their own parking enforcement policies and not being reliant on the police. As he also said, the issue is also about recognising the part that local democracy plays in ensuring that councils are accountable to their electorate for making their parking enforcement policies, as well as for how they are run. We now have about 255 English authorities, including all those in London, taking on this responsibility.

The hon. Gentleman is right to say that central Government need to get the framework of regulations and guidance right. He is also right to say that local authorities need to adopt policies that are acceptable to their population and meet the needs of their area, and to enforce them fairly, reasonably and legally. Councillors, who are accountable to the local electorate, should ensure that that is done, and will have to explain themselves through the electoral process if there is dissatisfaction with the way in which a council is carrying out its parking policy.

The hon. Gentleman raised a number of points, which I shall cover in a moment. He did not mention clamping on private land directly, but it has been a matter of great concern to me as a constituency MP—I have been pursuing the matter for about 10 years. As a Minister, I am having discussions with the Home Office to determine what else we need to do about it. In our recent guidance, we said that councils should use clamping as a last resort. The hon. Gentleman mentioned some cases in his constituency, and I shall deal with the issues that he raised in a moment. When a parked vehicle is causing an obstruction, clamping it is not particularly helpful, as it reinforces the obstruction rather than removing it. To be fair, some councils are increasing their use of towing away as an option, in order to remove such obstructions. They need to get the balance right between the two options for dealing with those difficulties. It is up to the councils to decide how they do that, but it is important that they should be sensitive to the implications involved.

The hon. Gentleman made a point about whether pursuing an appeal would render someone liable to costs, and he was right to say that we need absolute clarity on this. Any appeal is free, and costs would be payable only if the appeal were found to be frivolous or vexatious. I will look into whether that guidance is clear enough, however. In March, we introduced regulations to create a greater degree of consistency in the appeals process, and we have issued guidance to local authorities on the wording on penalty charge notices. I will look into how they are now being phrased and come back to the hon. Gentleman to tell him how we are making that point clear.

On the issue of cameras and disabled badges, cameras have been used in London since about 2000 under local legislation. The Department's statutory guidance states that cameras should not be used where they would be unable to detect permits or badges. I can give the hon. Gentleman further information on that, if it would be helpful. We recognise that that could be a problem, which is why we have phrased our guidance as we have.

With regard to the possible confusion over whether a council is able to exercise discretion, the issue is again covered in the Department's statutory guidance. Councils are able to exercise discretion; indeed, I should emphasise that authorities have complete freedom to cancel a penalty charge notice at any stage in the process. Our statutory guidance has reminded councils of that.

The hon. Gentleman mentioned that his constituents had had their vehicles towed away, so let me clarify that this happens where there is an obstruction. In the particular case he mentioned, he said that it happened too close to a junction on the main road. If vehicles are obstructing the highway, however, councils need the power to remove them. If the hon. Gentleman's constituent felt that this action was unfair, he could have appealed against the decision.

When it comes to dissatisfaction over controlled parking, as constituency MPs we are well aware that there are always two sides to a dispute and we can sometimes get caught in the middle, but the council must consult on a proposed controlled parking zone. If people object, the local authority must consider holding an inquiry, which will give people the opportunity to explain why they think the proposal would present difficulties or, on the other side, why they support it.

Let me deal finally with some of the hon. Gentleman's points about transparency and whether people understand how a council's parking policies are carried out, what it

does with the revenue and so forth. Part of the guidance makes a strong recommendation that local authorities should publish an annual report of their parking policies. The hon. Gentleman rightly went through all the different processes and means by which members of the public can challenge councils—from making an appeal and looking at the accounts to see how the money has been spent right through to going to the ombudsman.

We have seen quite of lot of press coverage about incentives in contracts. The statutory guidance makes it very clear that we believe unreasonable incentives should be discouraged. The incentives should be based on delivering transport objectives, such as keeping traffic moving and ensuring that there are no obstructions rather than on factors such as over-zealous parking attendants, who are resented by people. There has been a lot of press coverage of such incentives, but actual evidence has, frankly, not been so forthcoming.

I will certainly pass on the hon. Gentleman's comments about bailiffs to the Ministry of Justice and I will get back to him with any response.

As the hon. Gentleman said, this is a very controversial issue. We have tried to ensure that we have policies that allow central Government to look at best practice and advise through statutory guidance. It is up to us to continue to work with local authorities to ensure that policies are in place that meet our transport objectives while also emphasising that local councils are accountable to their electorates for the policies they pursue.

Question put and agreed to.

Adjourned accordingly at half-past Six o'clock.

House of Commons

Friday 20 June 2008

The House met at half-past Nine o'clock

PRAYERS

The Second Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

Philip Davies (Shipley) (Con): I beg to move, That the House do sit in private.

Question put forthwith, pursuant to Standing Order No. 163 (Motions to sit in private):—

The House divided: Ayes 0, Noes 28.

Division No. 226] **[9.33 am**

AYES

Tellers for the Ayes:
Philip Davies and
Mr. Robert Syms

NOES

Baron, Mr. John
Bottomley, Peter
Bradshaw, Mr. Ben
Brennan, Kevin
Burns, Mr. Simon
Campbell, Mr. Alan
Cash, Mr. William
Chope, Mr. Christopher
Davey, Mr. Edward
Dhanda, Mr. Parmjit
Evennett, Mr. David
Fitzpatrick, Jim
Francois, Mr. Mark
Heathcoat-Amory, rh Mr. David
Jenkin, Mr. Bernard
Khan, Mr. Sadiq
Leigh, Mr. Edward
Mackay, rh Mr. Andrew
McAvoy, rh Mr. Thomas
McCabe, Steve
McFadden, Mr. Pat
McNulty, rh Mr. Tony
Munn, Meg
Newmark, Mr. Brooks
Olner, Mr. Bill
Robathan, Mr. Andrew
Southworth, Helen
Sutcliffe, Mr. Gerry

Tellers for the Noes:
Mr. Nigel Evans and
Mark Pritchard

It appearing on the report of the Division that fewer than forty Members had taken part in the Division, MR. DEPUTY SPEAKER *declared that the Question was not decided.*

Orders of the Day

European Union (Audit of Benefits and Costs of UK Membership) Bill

Order for Second Reading read.

9.45 am

Mr. Christopher Chope (Christchurch) (Con): I beg to move, That the Bill be now read a Second time.

I begin by thanking the sponsors of my Bill, my hon. Friends the Members for Wellingborough (Mr. Bone), for Stone (Mr. Cash) and for Ribble Valley (Mr. Evans), my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory), my hon. Friends the Members for Poole (Mr. Syms), for Isle of Wight (Mr. Turner), for Gosport (Sir Peter Viggers) and for Macclesfield (Sir Nicholas Winterton) and the hon. Member for Castle Point (Bob Spink). At the time when the Bill was drafted and presented, they were all my hon. Friends. All bar one still are, and since then my hon. Friend the Member for Gosport has rightly been awarded a knighthood in the honours list.

Mr. Nigel Evans (Ribble Valley) (Con): Not enough.

Mr. Chope: Not enough, no. I think that everybody on that list is entitled to a knighthood.

Who could have known when the Bill was presented, seven months ago on 10 December, that today it would top of the billing for Second Reading and that it would be so highly topical? There is even a petition on the Downing street website calling for exactly what the Bill would deliver—an audit of the benefits and costs of the UK's membership of the European Union.

In *The Sunday Telegraph* last Sunday, there was as leading article headed, "If EU will not listen, it risks popular revolt". It stated that

"institutions today need democratic endorsement if they are to be legitimate: it is now accepted by almost everyone that people cannot be ruled against their collective will, as expressed in elections or referendums."

That leads me to a quotation from our distinguished former Speaker, the late Lord Weatherill. He wrote a preface to the excellent work by Ian Milne, "A Cost Too Far?—An analysis of the net economic costs and benefits for the UK of EU membership". I am delighted to see that my hon. Friend the Member for Stone has a copy of it with him. It was published in July 2004, and in his foreword, Lord Weatherill stated that when he was the Conservative Government's deputy Chief Whip in 1972, he supported entry into the European Common Market

"on the assurance of the Prime Minister, Mr. Edward Heath, that 'joining the community does not entail a loss of national identity or an erosion of essential national sovereignty.'"

He stated that things had moved on a bit since then, and that what was important was that

"Parliamentarians now have a sacred duty honestly to explain the pros and cons of our developing relationship with the European Union. Only then can the people make an informed choice."

Of course, at that stage we had as our Prime Minister somebody who had said that he wanted to dispel the myths about Europe and "let battle be joined". He suggested that we would have a referendum and that the

[Mr. Chope]

Government would win it. I shall not go over the history since then, but the Government are now running away from the will of the people.

Mr. William Cash (Stone) (Con): My hon. Friend may care to mention the fact that Ian Milne wrote that pamphlet on behalf of Civitas and that, I am glad to say, he was the first director of the European Foundation, of which I happen to have been the chairman since 1993. He has held that post since 1993. He was also the director of Global Britain, so his analysis credentials are absolutely first-class. He is one of the most distinguished economists in his field.

Mr. Chope: My hon. Friend is absolutely right. I am sure that Ian Milne would be in a strong position to give evidence to the commission.

Only as recently as Wednesday, the Prime Minister was using that familiar refrain of justification for our position in the European Union, by saying that 60 per cent. of our trade is with the EU and that 3 million jobs depend on the EU. He told my hon. Friend the Member for Congleton (Ann Winterton) that it would be "bad for Britain" to be out of Europe altogether.

However, the Prime Minister's claim about trade is wrong. The Library note for this debate summarising national statistics data says that in 2007, 52 per cent. of the UK's total trade in goods and services related to the European Union, which was lower than it was in 2006. The Prime Minister was therefore wrong in asserting that the figure was 60 per cent. He was also wrong in implying, as the Euro enthusiasts do so often, that, because perhaps 3 millions jobs depend on exports to the European Union, they would be in jeopardy were our relationship with the European Union to be different.

My hon. Friend the Member for North Essex (Mr. Jenkin) made that point well in the debate on European affairs earlier this week, saying:

> "In fact, 6.4 million jobs in continental Europe depend on trade with the United Kingdom. Germany exports more goods and services to the UK than we do to it. Some 3.2 per cent. of German gross domestic product is exported to the United Kingdom."

He then gave some other figures and concluded by saying:

> "Imports from the EU 27 to the UK have grown by an average of 13 per cent. over the past two years." [*Official Report*, 18 June 2008; Vol. 477, c. 1040.]

At the same time, our exports have been static or declining. Anybody who suggests that our having a different relationship with the European Union would put those 3 million jobs at risk will find that there is no evidence for that suggestion.

Philip Davies (Shipley) (Con): As my hon. Friend knows, I agree with him wholeheartedly about that. Does he agree that there are plenty of examples of countries that have free trade agreements with countries in the European Union, but which are not members of the EU? Therefore, not being a member of the EU would in no way jeopardise our free trade agreement.

Mr. Chope: My hon. Friend is absolutely right. The figures for Norway, Lichtenstein or Iceland, for example, show that those countries have increased their wealth far in excess of what we have been able to achieve, because of their relationships with the European Union, which are different from ours.

Mr. Evans: Does my hon. Friend agree that there is a further dishonesty, in the argument that states that because people vote against the Lisbon treaty, for instance, they wish to pull out of the European Union altogether? Is anybody seriously suggesting that when the French, the Dutch or the Irish voted no, they wished to leave the EU? They want to see the EU doing less and doing it a lot better.

Mr. Chope: My hon. Friend is absolutely right. What really grates with the Euro bureaucracy is the fact that most Irish people support the concept of Europe and the European Union, but have seen through what is contained in the Lisbon treaty and have voted it down overwhelmingly.

If the Government accept my Bill today, as I hope they will, they will have the opportunity to have a proper audit of whether 3 million UK jobs depend on Europe and of whether there would be a net loss or gain of British jobs if we had a different relationship with the European Union. The Bill is essentially about transparency and openness. The Government support labelling on products, so that consumers know what they are buying. The Bill would ensure that our people knew what was in the EU chalice, if anything other than poison.

Philip Davies: As my hon. Friend knows, I am a member of the Better Off Out campaign, which tries to highlight how we would be financially better off out of the European Union. Is it not striking that the most fanatic supporters of our membership of the European Union are also the most fanatic objectors to his Bill? Does he agree that that shows that if such an audit was conducted, people would see the European Union for what it really is?

Mr. Chope: My hon. Friend is absolutely right. It is significant that in this packed Chamber today there is nobody on the Government Benches, other than the Minister replying to the debate and the Government Whip. That suggests that the Government think that by freezing out debate on the issue it will go away, but it will not.

Mr. Brooks Newmark (Braintree) (Con): Is there not a more fundamental problem than transparency about the costs and benefits to UK plc, which is that the accounts have not been signed off for some 13 years. I was in business for 20 years before I came to the House, and frankly, I would not have invested a penny into any company unless I had seen fully audited accounts. That is where the real shame of the EU and its auditing process lies.

Mr. Chope: My hon. Friend is absolutely right. It is wonderful that the Chairman of the Select Committee on Public Accounts is in the Chamber today. I hope that he will make a major contribution to this debate, because his Committee has done some useful work on the failure of the EU to eliminate fraud or even account for the money that we pay into it.

Mr. Robert Syms (Poole) (Con): Britain has done quite well over the past 30 years in terms of GDP, but some of that was down to the supply side reforms of Mrs. Thatcher's Government and some of it may be because the EU is a big market. How would my hon. Friend's commission distinguish between what is British and the effect that Europe has had?

Mr. Chope: That would be a matter for the commission. My hon. Friend, who is kindly supporting my Bill, will see from its contents that we are talking about setting up a commission that would be independent, in the sense that the chairman would be truly independent and the other members would be drawn equally from those in favour of continued membership of the European Union and those against it. It would be unfair to restrict them in what they did or the evidence that they gathered.

It is not good enough for any Government to say, "This is all far too difficult to calculate; therefore, we're not prepared to go in for the calculation." If people who manufactured food said that it was too difficult to say on a label what was contained in a package, neither consumers nor the Government would accept it. However, that is effectively what the Government are saying to us, the people, about our relationship with Europe. The Government are saying, "We can't go into the costs and benefits in detail, because it's all too difficult."

Mr. Cash: It may well be—indeed, I am sure that it is likely—that my hon. Friend will come to the issue over-regulation. In order to determine the costs and benefits, one must also look into the costs of the burdens on business that result from over-regulation. Mr. Verheugen, the German commissioner, said that over-regulation was costing Europe £600 billion a year. The Government's better regulation task force also said that over-regulation was costing the British £100 billion a year. That is an astonishing state of affairs, which demonstrates the fact that the whole thing has to be renegotiated and revamped, and that we have to get some common sense, through the audit that my hon. Friend suggests.

Mr. Chope: My hon. Friend is right in citing those figures. However, instead of prejudging their validity, I want an independent assessment of them. That is why the Bill is expressed in neutral terms. It will not have escaped hon. Members' notice that the short title talks about the benefits of EU membership before the costs.

Mr. John Baron (Billericay) (Con): In one respect, my hon. Friend's wording is a little too fair. Some of the comments coming from the European elite following the Irish referendum show a certain arrogance that the House needs at least to acknowledge. I will not bore hon. Members with them for too long, but I shall just give one or two quotations. Wolfgang Schaeuble, the German Interior Minister, said that

"a few million Irish cannot decide on behalf of 495 million Europeans",

while the Polish Prime Minister said,

"irrespective of the results of the referendum in Ireland...Europe will find a way of implementing this treaty".

Comments like that smack of arrogance, and that is one good reason why people in this country and on the continent are fed up with the European elite dictating to the peoples of Europe what they should be voting on.

Mr. Chope: My hon. Friend is absolutely right. That view is very much reflected in the opinion polls. I find it disappointing that our own Government are not being more robust in this respect. The Irish people have spoken, but when I intervened on the Foreign Secretary on 16 June to ask him whether he would condemn people—particularly Members of the European Parliament—who refused to respect the verdict of the Irish people, instead of saying, "Yes, I will", he said, in rather circumlocutory language:

"Anyone who refuses to respect the decision of the Irish people is obviously not doing justice by the systems that exist".—[*Official Report*, 16 June 2008; Vol. 477, c. 720.]

That kind of language makes our people very suspicious of the real motives in Europe.

Mr. Cash: Did my hon. Friend also hear the Foreign Secretary talking about the Irish vote this morning, and pivoting most of his comments on the suggestion that the Irish constitution should be revised? That is what people seem to be aiming at, judging by his remarks this morning.

Hon. Members: Staggering!

Mr. Chope: Indeed. I think that the Irish people have more common sense than to allow that to happen.

Mr. Newmark: The Irish people have done us all a favour and we should thank them. Many countries have not had the opportunity to hold a referendum, but if they did, I suspect that most of them would say no. The initial vision of the European Union as a European free market has changed, and people today are saying that enough is enough. I find it strange that we have reached a stage at which the European Union has almost become an Orwellian state—it is a shame.

Mr. Chope: I do not think that my hon. Friend is exaggerating at all. If we look at the background to the Irish referendum, we see that the people supporting a no vote asked for the treaty—the subject of the referendum—to be given to the people so that they could read it for themselves and see what was involved. The Irish Government, who supported the yes vote, refused to allow that. That just shows the extent to which the European elite are keen to keep their people in the dark. This is all about evidence-based policy making.

Mr. Evans: I do not know whether my hon. Friend has had an opportunity to read the *Metro* this morning. It contains a fantastic letter stating that one of the reasons why the Irish voted no was that they did not understand the treaty. The letter went on to suggest that they would have had to be bonkers to vote for something that they did not understand.

Mr. Chope: That is a very old-fashioned approach, is it not? I am grateful to my hon. Friend for bringing that to our attention, because I have not yet had a chance to read the *Metro* today.

Mr. Baron: I apologise for intervening on my hon. Friend a second time—we really must let him make some progress—but I want to point out that recent press reports suggest that there might be a backlash in

[Mr. Baron]

Ireland as a result of the arrogance that has been shown. Let me give the House another example of that. Axel Schäfer, the SPD Bundestag leader, has said that

"we cannot allow the huge majority of Europe to be duped by the minority of a minority of a minority".

That has not gone down well in Ireland. If the Commission decides to put this matter to the vote again in Ireland, it might get a worse result than it did this time.

Mr. Chope: I know that we must not intrude upon private Conservative grief, but this rather reminds me of what happened at the Winchester by-election, when there was a rerun. Basically, the people of Winchester had spoken and, although they had not defeated the Conservative party candidate completely, they had effectively defeated him. He had the temerity to stand again, and the rest is history, as we know. I am trying to tempt the hon. Member for Kingston and Surbiton (Mr. Davey) into the debate, because the Liberal Democrats have an interest in this subject. If my Bill were to become law, it would enable the information to be made available to inform the referendum for which I understand he is still campaigning—namely, a referendum on whether we should remain in the European Union.

Mr. Cash: On the question of a referendum on the costs and benefits of membership, does my hon. Friend know that, in Ireland, under the Nice treaty, a proper evaluation was sent to each person, which is why they voted yes? However, the cost involved was subsequently trimmed to the extent that such an evaluation was not made available for the next vote. It will be essential, in any referendum held in this country, to have an impartial analysis, both politically and economically, along the lines proposed in my hon. Friend's Bill, in order to ensure that every person in the country has a fair and objective analysis of what is going on, so that they can make an informed choice.

Mr. Chope: My hon. Friend is absolutely right. That is the point that I was trying to develop when I spoke of evidence-based policy making. That concept is often supported by hon. Members on both sides of the House, but when it comes to making evidence available on this particular issue, the Euro-enthusiasts seem to develop an aversion to it. I wonder why.

Mark Pritchard (The Wrekin) (Con): My hon. Friend mentions the word "aversion". Does he agree that there appears to be an aversion to democracy and to listening to the voice of the people? We have a democratic deficit in Europe and in this country. Many of the people who said yes to Europe in 1975 did not know then what we know now, which is that it would be a political union rather than a trading union. There are people alive today who were not old enough to participate in that referendum—indeed, there are people alive today who were not even born at the time of that referendum. That is why it is critical that the British people should have a voice. I believe that the Prime Minister has acted in a disgraceful way in not fulfilling his promise on a referendum on the Lisbon treaty. Does my hon. Friend agree that the British people must be given a chance at the earliest opportunity to express their views on the position of the United Kingdom within the European Union?

Mr. Chope: Yes. When that opportunity arises, the decision must be taken with the benefit of the evidence that would be made available as a result of my Bill.

As a result of all the support that I am receiving, and of the wealth of material that is being provided, I am in danger of going on for up to five hours and talking out my own Bill. I certainly would not want to do that. I should like briefly to explain the main elements of the Bill. It would require the Chancellor or the Exchequer to set up, within six months, an EU membership audit commission to report, within 12 months thereafter, on the matters set out in clause 2. The commission would be required to

"examine the costs and benefits of the UK's continued membership of the European Union, taking into account the impact of membership on the UK's economy (including consideration of public expenditure and receipts resulting directly from membership), national security and defence, and constitutional arrangements."

Mr. David Heathcoat-Amory (Wells) (Con): Would the commission take into account whether the identified costs were reversible? Many people in the European Union—including, I suspect, the Irish—are worried that, whereas the benefits might come and go, the costs are irreversible. An example is the directive on the resale of art, which gives an incentive for people to take their art to be sold outside the European Union. That measure was passed despite the objections of the British Government and the British Parliament, and even an incoming Government after a general election will not be able to reverse that acknowledged cost, because it is enshrined in treaty law. Would the commission take into account the constitutional effect of these costs, as well as their amount?

Mr. Chope: I very much hope so. That is why the terms of reference have been drawn as widely as they have been. I do not think that the commission would be able to take into account cumulative past costs, but current and continuing costs would be taken into account as against the current and continuing benefits. My right hon. Friend is absolutely right to say that, with so much European regulation, once it has been brought in, it can be changed only by a majority vote in support of such a change.

For a recent example, people in my constituency have been complaining about changes to the bus timetables that resulted from a European regulation. Buses travelling more than 31 miles continuously had to have tachographs in them and extra form filling was required. The bus companies said that the costs were disproportionate, so they refused to allow their buses to travel more than 30 miles continuously. As a result, the outlying areas are no longer on the bus routes. I presented a petition to the House about that and the response I had from the Government was, basically, "Woe is me." When the Government negotiated on the regulation, they did not realise that it would have this perverse impact. Are the Government able to do anything about it? In responding to the petition, they said that they could not do much about it because changing it back to where it was before and removing this unexpected consequence would require a majority vote in favour of that change and others might want to go further. That is a good example of the European Union ratchet, which my right hon. Friend the Member for Wells knows more about than any other right hon. or hon. Member.

Philip Davies: Returning to a point raised by my hon. Friend the Member for Stone (Mr. Cash), the European Commission has been very helpful in acknowledging that the cost of regulation is €600 billion and that the benefits of the single market are something in the region of €160 billion. On its own admission, the costs of regulation are about three times more than the benefits of the single market. Does my hon. Friend agree that whereas only about 10 per cent. of businesses in this country get any benefit from the single market, every single business faces the cost of all the regulations?

Mr. Chope: That is absolutely right. The same point was well made in a debate on similar provisions in the other place, when my noble Friend Lord Pearson of Rannoch—

Philip Davies: A great man.

Mr. Chope: Yes, a great man—or, rather, a great and noble Lord. He set out a strong case for having the same sort of assessment that my Bill is designed to achieve.

Mr. Cash: Would my hon. Friend consider amending his Bill in Committee—we all hope that it will get there—to ensure that the seven members serving on the commission are suitably qualified in economic analysis? I am thinking of someone like Ian Milne, but there should be similarly qualified people on the other side—Will Hutton, for example, who gave evidence to the European reform group that I set up. He criticised the way in which the Lisbon agenda was operating. Speaking as a rapporteur on a European Commission proposal for improving the economy of Europe, he was quite open in criticising it. That is particularly notable, given that he is generally regarded as being very pro-European.

Mr. Chope: My hon. Friend makes a fair point, but I must say that I would prefer to get the Bill into Committee before discussing the detail of amendments. Let us take things one step at a time.

The commission would have to report within a year of its appointment and a copy of the report would have to be provided to the National Audit Office. The report, together with the views of the Comptroller and Auditor General, would then be presented to Parliament and a Minister would have to table a motion for debate, expressing a view on the contents of those reports. Fundamental to the process would be the membership of the EU membership audit commission, to which I have already referred; thereafter there would be further audits every five years, as long as the UK remained in the EU.

Mr. Syms: I presume that the report will be in English, but there might be some benefit in producing it in different languages. I am sure that other EU countries would value reading about the benefits and disbenefits that Britain faces as a result of being in the EU.

Mr. Chope: My hon. Friend is absolutely right. Those who have looked into the subject have been much informed by the Swiss Parliament, for example, which sought to establish whether joining the European economic area—not the EU itself—would be in the Swiss economic interest. That information was used to inform the Swiss for their own referendum and they voted against joining the EEA.

Mr. Newmark: I do not wish to be too pedantic, but I note that neither MEPs nor employees of the European Commission are to be included in my hon. Friend's commission. However, I believe that we, as elected representatives of this sovereign Parliament, should have some input into the commission. I am curious to know whether my hon. Friend feels that Members of this House should be included—my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) or my hon. Friend the Member for Gainsborough (Mr. Leigh), for example, as they both have tremendous experience on this particular issue.

Mr. Chope: I do not have it mind for them to be included in the commission, mainly because the amount of work needed over a short period of time would make it very difficult for them to carry on their constituency duties. What is important is that their knowledge and expertise would be available when we receive the Government's report based on the evidence provided by the commission. Knowledgeable and commendable as those individuals and others are, it would be better to draw on their experience in that way rather than in the way that my hon. Friend suggests.

Mr. Syms: Given the amount of work required, I presume that members of the commission—no doubt these will be very well qualified people—would be paid. What is my hon. Friend's view on that? People serving on the commission might have other busy jobs. If an hon. Member serving on it were paid, it might be viewed as an office of profit under the Crown and lead to a by-election, so that provides another reason why it may not be a good idea to have MPs sitting on the commission.

Mr. Chope: My hon. Friend makes another good point. The Bill makes provision for the costs of the commission to be met out of public funds. If we want people of the right quality to devote the necessary time to the job, we could not expect them to do it wholly without remuneration.

Mr. Cash: Does my hon. Friend agree that what he is seeking to set up is extremely important constitutionally? It would be sort of equivalent to the wise men of the Bank of England's Monetary Policy Committee. We would know that when the commission made judgments, they would be really considered judgments. As we conduct our proceedings on this excellent Bill today, it is immensely important that we quell any argument that those who want the sort of independent audit suggested in the Bill are somehow outrageously anti-European and all the rest of it. That is a complete travesty of the truth, as it always has been. It is just that the establishment and the elite of Europe have absolutely no interest, as shown by their response to the Irish vote, in listening to anything that is independent, impartial or objective—even when, as over the last 20 years, we have been proved right.

Mr. Chope: My hon. Friend is correct and brings me to my next point. In a recent Global Vision/ICM survey, 41 per cent. of voters said that their ideal relationship

[Mr. Chope]

with Europe would be one based simply on trade and co-operation. Only 27 per cent.—a very small percentage—wanted Britain to stay a full EU member, while 26 per cent. wanted to withdraw altogether. The centre ground—as hon. Members know, I am always interested in discussing that ground in our Friday debates—is very much focused on 41 per cent. saying that they want a different relationship from the current one, while still wishing to maintain a relationship. Under my Bill, we could have a factual analysis of what a relationship with Europe based simply on trade and co-operation would entail in terms of costs and benefits. The factual background could then be used to inform a referendum on renegotiation of our relationship with Europe. Sooner or later, it will come to that. We are going to need a renegotiation and we will need to have a referendum in order to take the people with us.

Mr. Evans: How detailed will the Commission's report be? Will it give details of some of the costs that we must bear? Here is a perfect example: every month the European Parliament moves from Brussels to Strasbourg for a week at a cost of, I believe, over €100 million. That is clearly ludicrous, but in the same week in which the European Parliament talked of saving the planet, it voted to continue this procedure of flipping between Brussels and Strasbourg—an exercise that makes "Monty Python's Flying Circus" look like a documentary.

Mr. Chope: My hon. Friend has cited a well-known example of totally avoidable waste of United Kingdom and other European Union countries' taxpayers' money, all to satisfy the vanity of—one supposes—Members of the European Parliament and/or members of the French establishment who consider it important to maintain large premises in Strasbourg and subvent the Strasbourg economy.

However, monstrous and wholly unacceptable though that is, it pales into insignificance in comparison with some of the much larger costs of the European Union. I have not time to go into all of them, but let me remind Members of a document produced in December 2005 by the Treasury, no less: "A Vision for the Common Agricultural Policy". It states that

"economic analysis, even on conservative assumptions, suggests the CAP will leave the EU economy around €100 billion"

—about £80 billion—

"poorer over the period...2007-13".

It adds that

"the financial cost to ordinary citizens is much greater—€100 billion each year according to OECD estimates...This is an average cost to an EU family of four of... €950 a year"

—over £750. The cost, says the report, is shared by taxpayers and consumers.

The report also states—this, I think, is one of the most amazing figures—that

"the CAP has been estimated to be equivalent to a value added tax on food of around 15 per cent".

Can we imagine what would happen in the Chamber if the Government announced that they were going to impose value added tax of 15 per cent. on food? I seem to remember the present Prime Minister, when he was Chancellor, teasing us all in one of his Budgets by saying that he was not going to impose VAT on food; but we are already paying the equivalent of a 15 per cent. VAT rate, at a time when food costs are spiralling out of control.

The annual costs of the common agricultural policy fall disproportionately on the poorest in society. That policy alone represents 40 per cent. of global market price support for agriculture, and the Treasury document estimates that

"global income could increase by $290 billion by 2015 if trade-distorting policies... were eliminated."

It also estimates that

"removing market price support would bring a one-off reduction in inflation"

in this country

"of 0.9 per cent".

It would be very useful, would it not, to reduce inflation by about 1 per cent. as a result of reform of the common agricultural policy. What happened, however, was that the Government said that in order to enable the European Union to deliver its "vision for the common agricultural policy", we would agree to pay even more to the European Union by forfeiting part of our rebate over the next few years. As a consequence we have given up a large part of it. By 2011 we shall probably have to pay an extra £2 billion a year of taxpayers' money for membership of the European Union, and what have we been given in return? A hollow promise that something might be done about the common agricultural policy. We need do no more than listen to the leaders of countries in continental Europe to know that they have no intention whatever of doing anything fundamental to the common agricultural policy. Our costs will go up, and the position will be made worse by the fact that we are also paying extra to try and get something done about the common agricultural policy, which is never going to happen.

Mr. Cash: Although the Bill's provisions are confined specifically to the United Kingdom and our Parliament, should not the other member states be urged to produce similar Bills so that they too can assess the consequences of the increasing dangers visited on their populations, such as rising food and commodity prices and all the difficulties resulting from the common agricultural policy that my hon. Friend has described? Should not each Parliament—throughout the European Union, not just at the bureaucratic Orwellian centre to which my hon. Friend has rightly referred—have the opportunity to make an assessment of the kind that he, in a most moderate speech, is advocating so satisfactorily?

Mr. Chope: I agree with my hon. Friend, and thank him for his generous comments.

It would be wrong not to refer to the benefits of the common agricultural policy, so let me add for the sake of balance that 10 per cent. of this enormous amount of market price support reaches farmers. However, 25 per cent. is lost through economic inefficiencies, and about 35 per cent. goes to suppliers of imports such as pesticides and fertilisers. We know from the Treasury report that the United Kingdom alone bears the cost, amounting to hundreds of millions of pounds each year, of cleaning up water supplies that are polluted as a result of the intensification of farming under the common agricultural policy.

Mr. Cash: Is my hon. Friend aware of the substantial disaffection in the farming communities—not only in this country but in others—and the fishing communities? Riots are taking place in other parts of Europe. Not much of that features in the media, but it is enormously indicative of the dismay felt by ordinary people. Under this failing system, the economies of Italy, Greece and Spain are imploding. The situation is incredibly dangerous. Ultimately, in some countries in particular, it is likely to lead to civil disorder because of the lack of a democratic safety valve.

Mr. Chope: My hon. Friend is absolutely right. We certainly do not want people to become so disillusioned with their leaders that we are confronted with the civil disorder that we have seen in parts of Europe in the past.

Mr. Syms: It is true that the world price of food is rather lower than the price in the EU, but it is also true that Norway and Switzerland subsidise their farmers at quite a high rate. There may be no savings to be made. I presume that if we left the EU, we would need some system of subsidy for our farmers unless we decided to take the New Zealand route, which I think is very brave. Perhaps some of our colleagues with more agricultural constituencies will comment on that later.

Mr. Chope: But if we did not have to pay for the common agricultural policy, we should be able to decide, in this sovereign Parliament, how we wished to distribute the money. If we wanted to help farmers in some way, that would be a decision for our Parliament rather than for the European Parliament.

Mr. Edward Leigh (Gainsborough) (Con): We could do what the New Zealanders do—their farming is hugely successful now—or we could introduce a working farmer tax credit. We could give money only to poor hill farmers. What we should not be doing is siphoning huge amounts of money into large agri-businesses, some of which, in my constituency, receive more than £1 million a year in subsidies alone. That is what is so scandalous about the situation.

Mr. Chope: My hon. Friend is absolutely right. We often have debates about the common agricultural policy in the Chamber, and what is common to all of them is the feeling of frustration and impotence among those who participate. We are completely at odds with almost all our partners in the European Union on the issue of the common agricultural policy and support for the farming community. The fact that the common agricultural policy is still consuming about half the European Union's budget is surely the top issue for the membership audit commission to consider.

Mr. Cash: My hon. Friend made an extremely important point a couple of minutes ago regarding the question of the decisions that should be taken by this Parliament on behalf of the electorate of the United Kingdom. Does he not agree, in line with his other Bill that we will be considering later in this Session, on the supremacy of Parliament—I originally introduced such a Bill a few years ago, and I pursued the issue during the Lisbon treaty debates—that we have to assume that our Parliament will, in the vital national interests of the people of this country, make the decisions on behalf of the electorate? That is the way to achieve, for example, the economic competitiveness that my right hon. Friend the Member for Witney (Mr. Cameron) rightly insists upon, so that we achieve the kind of results that this Bill would produce, while at the same time ensuring that it is this Parliament that decides the fundamental questions on behalf of the British people.

Mr. Chope: My hon. Friend is right and I hope that there will come a time when the Bill to which he refers can be discussed in a similarly lengthy way to the one before us.

I want in conclusion to refer to the administrative burdens. I know that the issue of regulation has been raised a lot, and my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) made a fantastic contribution to it with his ten-minute Bill the other week, drawing attention to the extent to which we have lost control over the legislative process in this House and how we were faced last year alone with 177 directives, 2,033 directly enforceable regulations and 1,045 decisions. Linking in with what my hon. Friend the Member for Stone just said, part 4 of the Regulatory Enforcement and Sanctions Bill currently going through this House refers to making it incumbent on UK regulators to reduce unnecessary regulatory burdens. However, the gaping lacuna in that Bill is that it does not cover EU regulations, which as we know are responsible for a substantial burden on industry and small businesses.

The noble Lord Stoddart of Swindon, a former distinguished Labour Member of this House, was told by a Minister in the other place on 15 May last year that

"The Government estimate that the total administrative burden on businesses, charities and the voluntary sector in England derived from EU legislation is approximately £6.3 billion per annum"

in other words, over £100 per head. That, moreover, excludes the cost of EU administrative burdens in financial services, because, as that answer states, that information was

"not available in this format."—[*Official Report, House of Lords*, 15 May 2007; Vol. 692, c.23W.]

I do not know what format it is available in, but that is just the sort of information that we need to be brought before this House and the people, so that proper evaluation of the costs and benefits of our continuing membership can be carried out.

Mr. Cash: My hon. Friend may recall that he signed an amendment that I put down immediately after Second Reading in this House of the Bill to which he has just referred because of this huge hole. It applied the same formula as the Conservative party voted for en masse on the Legislative and Regulatory Reform Bill two years ago, and again in the House of Lords to reassert the supremacy of this House where it is in our vital national interest to ensure that we achieve the objective of reducing burdens on business. Does he also know that the Minister has informed me that the Government are going to oppose that amendment—clearly because they do not want in any shape or form to interfere with the European regulatory system in its application to this country? So in effect, that Bill will be a complete waste of time, because 80 per cent. of it and the 400 Acts

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of Parliament that are referred to in it will be derived from the European Union and nothing will be done about it.

Mr. Chope: What a depressing intervention that is, Mr. Deputy Speaker, but it confirms our worst fears.

I have not had a chance to go into other issues such as the costs of the common fisheries policy—perhaps the Minister will be able to tell us about its benefits—and the costs of the social chapter, which I am delighted we Conservatives are committed to getting rid of our involvement in, following the next general election. Nor have I been able to comment on the defence that the Government try to put forward regarding European Union membership and its benefits, but it is set out succinctly on the Department for Business, Enterprise and Regulatory Reform website and makes no mention whatsoever of the CAP, the social chapter, the common fisheries policy or anything else. Indeed, the European Union single market is regarded as being something separate and apart from the European economic area, when we know jolly well that the EEA includes countries such as Norway and Iceland, which benefit just as much from the single market as we would continue to do if were in that sort of relationship with the European Union.

I am very grateful to my hon. Friends, and I hope that we can hear from my hon. Friend the Member for Gainsborough (Mr. Leigh) in particular—I know that he has other commitments later on—as he and his Committee have a direct involvement under the terms of this proposed legislation. I hope that he can say whether he supports this proposal, and whether it has any legs.

10.36 am

Mr. Edward Leigh (Gainsborough) (Con): The whole House owes a debt of gratitude to my hon. Friend the Member for Christchurch (Mr. Chope)—

Mr. Cash: The nation.

Mr. Leigh: Well, he should be my right hon. and learned Friend, if there were any justice in the world, given the way in which he has moved this Bill and the care and interest that he takes in these matters. Clause 3 mentions the National Audit Office and having seen that reference, I thought it only right that I make a few comments.

Of course, I have my own views on our membership of the European Union but I am not going to labour them before the House; I will stick today very narrowly to the work of the Committee that I am privileged to chair, and to the audit of the European Union. I hope that anything that I say in those comments could be supported by everybody in the House—there is nothing party political about them. There is nothing behind my comments that is predicated on a Eurosceptic or a Euro-enthusiast attitude to the European Union.

I was talking only this week to a very senior European diplomat, who admitted to me that the problem of the Irish referendum was not just an Irish problem. Wherever the referendum might have been held, the people of that country would at this moment have said no. If it had been held in France or anywhere else, the people would have said no, so there is a real problem with accountability. It does not matter whether we are dubious or enthusiastic about our membership of the European Union—surely, we want to make this organisation work well. There are institutional problems that will doubtless receive a lot of discussion. Issues such as the weight of votes attributed to the populations of France, Germany and Italy compared with, say, Spain and Portugal, are certainly problems, but one of the main issues that worries people in Europe is the feeling that there is waste and inefficiency at the heart of Europe and a lack of a clear audit. I hope that we can achieve a consensus throughout Europe on the need to try to improve matters.

In what will not be a very long contribution, I want to deal with four issues, and I hope that what I say will get the support of the House. Before proceeding, may I apologise to the Minister and to the shadow spokesman? Unfortunately, for many months I have been committed to meeting the chief executive of a Government agency in my constituency later this afternoon. It is the vital matter of a driving test centre being closed down, so I hope that I will be forgiven, Mr. Deputy Speaker, if I cannot stay for the entire debate. However, as this debate is so central to the work of the Public Accounts Committee, I was very anxious to speak. I want to deal with the state of the financial management of the EU; fraud and irregularity; measuring what we get for the money spent by the EU, which is very much the purport of the Bill; and the vital role played by national Parliaments in the scrutiny of EU expenditure. Those are all very important matters.

We are all familiar with the chorus of concern and negative media attention that greets the release of the annual report by the European Court of Auditors. For each of the past 13 years, the Court has, in effect, qualified the accounts of the European Community. "Qualified" is a technical term, but it means that the Court of Auditors—the supreme audit body of the European Union—has not been prepared to accept the accounts as valid. That record of the accounts being qualified for every one of the past 13 years is an almost unique achievement; it is exceeded only by the Department for Work and Pensions. Many of the problems facing the DWP are precisely those facing the European Commission.

To be fair, the Court of Auditors has reported a slight, but steady improvement in the Commission's performance in recent years, most significantly in its previous report. However, the Court continues to point to problems with the legality and regularity of transactions, particularly on structural measures and on parts of the common agricultural policy. That is not just anything, because a large proportion of the European Union's expenditure is concerned with structural measures, regional policy and the CAP; it is fundamentally what the European Union is about. We all know that there is an imbalance in the European Union's expenditure, so for the Court of Auditors to go straight to the heart of the matter and to say that it does not trust the figures that are given to it on the CAP or on regional policy is, in a sense, to drive a spear straight into the heart of the regular expenditure of most of the European Union. The situation is very worrying.

Mr. Cash: Does my right hon. Friend—well he should be my right hon. Friend too, but that is another story—accept that when the spear carrier, the person who raised the question in the European Commission, Marta Andreasen, said that it had to sort out its accounts and get them right, she was shoved out of the job? That is how the European Commission works; it does not want any criticism and it does not want to hear whatever the Court of Auditors may say. The fact is that the European Commission is determined not to get the facts out. In addition, despite the fact that the European Scrutiny Committee, on which I have sat for many years, has sought to insist that debates on the Court of Auditors should be held on the Floor of the House, the Government have insisted that they go to Standing Committee, which, of course, has a much lower profile.

Mr. Leigh: I was not going to mention Marta Andreasen, because I wanted to frame my remarks in a way that all parts of the House could accept. She has been cited, so I should mention that she was quoted by the BBC as saying that 80 per cent. of the budget, including the entire agricultural budget, was suspect, even though EU auditors had, at the time, cleared 70 per cent. of the agricultural budget. If one takes her view, one should be extremely concerned. Even if one is not prepared to go down that route and even if one does not accept her concerns, one should still be very concerned by what the Court of Auditors—the EU's own body—has said.

Indeed, the Budgetary Control Committee of the European Parliament has been active in pushing for improvement. That effort has been led by British MEPs. Manuel Barroso, the President of the European Commission, made striving for clear accounts one of the Commission's objectives. People who are actively involved in trying to make the European Union work and who believe it in passionately are aware that there is a fundamental problem.

Mr. Edward Davey (Kingston and Surbiton) (LD): I agree with a lot of what the hon. Gentleman is saying and this is one issue on which the Bill might focus, because improvement is clearly needed. Given his experience as Chair of this House's most important Committee, will he tell us the improvements he would like to see? In my view, one such improvement would relate to the way in which member states, which manage 76 per cent. of the EU's budget, are brought to account for how they spend EU taxpayers' money.

Mr. Leigh: I am grateful for that intervention. I am trying to frame my remarks in such a way that members of the Liberal party, including the hon. Gentleman, can agree with me, and I shall deal with precisely the point he raises. Although there is a lot of criticism of EU bureaucrats and the Commission, most of the money is spent in the European nations, and what we are talking about is trying to improve accountability within the European nations. My Committee made a great deal of progress with the Government on trying to get a consolidated account, so that we can follow the money all the way through the European nations. I pay tribute to those on the Treasury Bench, because we have been working with them to try to obtain that.

Mr. Davey: I am grateful to the hon. Gentleman for making that point, because part of the problem with the way we do business in this House—let us forget the European Union for the moment—is that we do not have those whole Government accounts for the UK Government. He will be aware that the National Audit Office told a Lords Select Committee examining the Court of Auditors that the NAO would not be able to give the UK Government a clean bill of health in the way that it is required to do so for the EU because the UK Government do not provide the information. So, this House has a huge problem with the UK Government's accounts.

Mr. Leigh: As a result of a campaign by the Public Accounts Committee and the NAO, we are now getting this information and we are making progress; for the first time, we are leading the way in Europe, because we are going to follow this money with a consolidated account all the way through and we will see how the money is spent here. If the hon. Gentleman is patient, I shall deal with that point in a moment.

The aim of achieving a clear audit opinion is important, but it is highly ambitious. If offered the task of tidying-up the EU's accounts, Sisyphus would have stuck to his day job of endlessly pushing his huge stone to the top of the mountain. Tidying-up those accounts is a monumentally difficult job. Each year, the Comptroller and Auditor General reports to the PAC on the results of the European Court of Auditors' work and on progress towards improvement, and the PAC reported on progress in 2005. Since then, members of my Committee and me have regularly met our counterparts in member states—I was even invited to speak to the relevant Committee of the European Parliament on this matter—and we were all amazed about how much agreement there was on these issues. There was a slight problem with our French colleagues, but we shall leave that to one side.

Throughout Europe, there was a lot of agreement on this matter. A persistent theme in all the discussions that we have been having with our European colleagues is the sheer complexity of what we are talking about. One of the conclusions of our 2005 report stated:

"A major factor contributing to the qualified audit opinion is the level of errors identified by the Court. This is partly due to the complexity of schemes and programmes".

I would say that it is almost entirely due to that complexity. That statement is as true now as it was in 2005, and a key factor in the failure to achieve a clear audit certificate is the sheer complexity of the rules and regulations governing European programmes. My hon. Friend the Member for Stone (Mr. Cash) is a leading expert on the complexity of the programmes.

The Court of Auditors agrees with all that, and it is not some obscure Eurosceptic British body. For the first time, its most recent report on the accounts observes that

"in the area of CAP expenditure, structural measures and internal policies...complicated or unclear eligibility criteria or complex legal requirements have a considerable impact on the legality and regularity of underlying transactions".

Across Europe, a plethora of bodies are administering these programmes. That organisational complexity is compounded by fiendishly complex individual schemes, making them difficult and costly for member states to administer, and frustrating for those at the receiving end who are coping with the bureaucracy, such as our farmers. They tell me that they spend more and more time in the office trying to cope with ever more complex

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schemes. Such schemes and programmes, especially those implemented under the structural measures, have a propensity to lead to many errors and therefore to a qualification. In its last report, the Court of Auditors reported that at least 12 per cent. of the total amount reimbursed to structural measures projects should not have been. So 12 per cent. of spending on regional policy should not have been spent on those programmes. That is the level of complexity and error.

The situation becomes even more worrying when the different bodies involved cannot even agree on the rules. For example, the Court raised several concerns about the application of the single farm payment in the UK. We always complain about other countries, especially Mediterranean countries, and we laugh about corruption there, but the single farm payment was a disaster because our Government tried to gold-plate an EU directive—even more than our colleagues in Wales and Scotland did. It was the English Minister gold-plating an EU directive that led to a massive qualification of our single farm payment scheme and a fine from the European Commission.

Mr. Davey: I am glad that the hon. Gentleman made that valid point. Perhaps we should ask the promoter of the Bill how the audit will take account of gold-plating and incompetent Ministers, whether English, Italian or Spanish, failing to get the basics right to ensure that money is not wasted.

Mr. Leigh: The hon. Gentleman will have to address that point to my hon. Friend the Member for Christchurch, but I would have thought that it was obvious we need to have that discussion. If we are going to have these directives, we need to simplify them, if possible, and not make them even more fiendishly complicated. The hon. Gentleman makes a valid point, and I agree with him.

We are all aware of the problems with the Rural Payments Agency, but the issues raised by the Court related for the most part to different interpretations of the rules. It noted, for example, that on the basis of maintaining land in a "good agricultural and environmental" condition, England made payments to railway companies, golf and leisure clubs and city councils. That issue was not limited to the UK. Payments to horse riding and breeding clubs were noted in Germany and Sweden. It is supposed to be a scheme to help struggling farmers. The UK authorities took the view that although the fairway of a golf course would not be eligible for a payment under the CAP, other land owned by a golf course could be eligible. But why is the money of the hard-pressed European taxpayer going to golf clubs? I shall resist the obvious temptation to comment on possible discrimination against cricket, football and rugby. We might elicit French and Italian support for the latter two, but I fear that cricket is probably a lost cause—

Mr. Cash: There is French cricket.

Mr. Leigh: Well, I am glad we have a chance of beating someone at cricket.

The issue of complexity has to be grasped. The PAC has drawn parallels with the experience of the Department for Work and Pensions, whose complex schemes had led to the Department's accounts being qualified for successive years. We said again and again that the Department should have less means-testing and less churning of money, and should leave more money in people's pockets and erase tax thresholds—simple points to improve matters. But no, every year the schemes get more and more complex. The Department is ground down by ever more complex schemes that result in its accounts being qualified. Much the same happens in Europe.

We recommended that the European Commission consider the relationship between the desired outcome of a particular scheme, the complexity of the rules governing it and the consequential likelihood of an error occurring. That is obvious stuff. I recognise that there has been some simplification of the regulations as part of this campaign. That is part of the new financial perspective, and simplification is also one of the themes of the Commission's action plan. That is welcome.

The new single farm payment, for example, replaced 11 previous schemes, but even that programme is far from simple. But even when there is a will—and there is now a will to try to address some of these problems—nothing moves quickly in Europe. The cognoscenti of such matters will be aware that the legacy of old and multi-annual programmes lasts for years. It is like the old cliché of the super tanker taking years to turn round.

Mr. Chope: My hon. Friend says that there is a will in Europe to do something about the problem, but is there any evidence of that given that the European Union continues to subsidise tobacco farming?

Mr. Leigh: Well, there is a will in the sense that the problem has been identified and the debate is being had. The problem is whether the will exists to take tough and difficult decisions that will remove subsidies from particular interest groups, but that is always the problem in politics. The difficulty is compounded many times over in Europe where there is a lack of clear accountability. As I understand it, one of the aims of the Bill is to try to achieve clearer lines of accountability.

Mr. Davey: The hon. Gentleman said that Europe takes a long time to reform or change its mind, and it is like turning round an oil tanker. I agree, but how could we try to speed things up in Europe?

Mr. Leigh: That question is difficult to answer. I suspect that the hon. Gentleman is trying to lead me into saying that there should be a new treaty that would make decision-making faster, but I do not want to get into that. I want to concentrate on the narrow audit points. For what it is worth, I think that if we are going to be in the European Union, there should be more democratic accountability. How we achieve that, I do not know, but we do not have it at the moment. Whether people are enthusiastic about the project or not, there is clearly something wrong that needs to be addressed.

Mr. Cash: My hon. Friend the Member for Christchurch (Mr. Chope) mentioned tobacco. When the European Scrutiny Committee met the Court of Auditors a few years ago, we asked for the European Commission's report on tobacco, which was regarded as a very hot potato. As I understand it, that report has never been

released, even to the Court of Auditors. I do not know what the state of play is now, but perhaps my hon. Friend the Member for Gainsborough (Mr. Leigh) will bear that in mind for the future. That shows a lack of accountability and transparency.

Mr. Leigh: There has been a problem with secrecy. It is in the interests of everyone, including those who believe passionately in Europe, to achieve more transparency and accountability, so that such reports are released, whether they are hot potatoes or not—and especially as they relate to tobacco. *[Laughter.]* I must carry on.

Before I was distracted, I was saying how difficult it is to turn the situation around, even when the will exists to do so, and I wish to give an example. In its last annual report, the Commission noted that some £89 billion of outstanding commitments from the 2000-06 financial framework were yet to be paid. The outstanding commitment relating to the structural measures programme was equivalent to more than two and a half years' expenditure at the 2006 spending rate. That means that while officials in member states are busy launching new programmes for 2007-13, they are also dealing with the running down of programmes from the previous period. It is no wonder that they and we are confused.

It is clear that before we can hope for a clear audit of the EU accounts, member state Governments must take every opportunity to push for simplification and a reduction in the bureaucracy. The EU-wide review of the European budget, on the face of it, provides just such an opportunity, but I fear that it is all too easy for good intentions to be lost once bureaucrats begin to argue over the fine detail. We want to know what the Government are doing to lobby for change and whether they think that the Commission's review will deliver on simplification. There is a clear opportunity for the British Government to lobby for change as this is where we can lead opinion in Europe.

Let me now look at fraud and irregularity. The lack of a positive audit opinion on the EU accounts does not necessarily indicate that high levels of fraudulent or corrupt transactions have actually taken place. For instance, in 2006 member states notified the Commission of more than 12,000 irregularities with a total value of £788 million, of which some £220 million was estimated to be due to suspected fraud. That is only 0.3 per cent. of the budget. No fraud is acceptable, but different commentators will have different views on what these figures tell us. There is some confusion about that. Of concern to us, however, is the reliance we can place on any of those figures.

The figures quoted are influenced by the timeliness and accuracy of the member states reporting to OLAF, which is the European anti-fraud office. OLAF has reported that recording practices vary and that data communicated by member states are sometimes incomplete. Furthermore, the distinction between suspected fraud and other irregularities is not consistent. We simply do not have that famous level playing field throughout Europe. We do not know exactly what is going on.

Member states do not always have the same definition of criminal risk. A significant proportion of reports do not distinguish between suspected fraud and irregularity. A crime in the UK might not necessarily be a crime in Greece, and vice versa. If we do not properly judge the EU's performance on this vital issue, we surely need to apply greater pressure to get these reporting systems up to scratch so that we know what is going on.

Mr. Davey: I may be trying the hon. Gentleman's patience, but he is making an important point. Some things are crimes in this country but not in others, though they affect the whole Union through trade and the management of accounts. Is he therefore arguing that there should be some sort of EU-wide work on justice and home affairs so that we can ensure that a crime in this country is also a crime in another country?

Mr. Leigh: There is no enthusiasm throughout Europe to try to get some sort of EU-wide common criminal code. There is enthusiasm throughout Europe—people take an interest in this—about getting some sort of understanding about what is going on and having some sort of transparency, so that we can know which countries are particularly open to fraud and irregularity. We simply do not know at present.

Mr. Davey: For the record, neither my party and I nor anybody here would argue for a common EU code of criminal law. That would be absolutely wrong. However, some matters affect all countries—such as fraud to do with EU money or other, cross-border crimes—and I would argue that they require EU action. From the direction of his remarks, I would think that the hon. Gentleman seems to agree that there is a case for some crimes, such as those that affect EU money or cross-border activity, having some sort of decision-making process at a supranational level.

Mr. Leigh: I am a reasonable man and I will listen to any proposals that the hon. Gentleman wishes to make. If a clear case were made for going in that direction, I would not necessarily be opposed to it. However, I would like to start with at least a level of knowledge before I jumped to a conclusion.

Let me now talk about the benefits derived from EU expenditure. Over recent years, the focus of the debate has rightly, in my view, focused on how to strengthen basic financial management and we have arguably paid less attention to what we get from those programmes. Our Committee's 2005 report noted that the European Court of Auditors had a duty to examine

"whether the financial management has been sound".

That corresponds broadly to the value-for-money audits carried out by the Comptroller and Auditor General in the UK. It is very important. We have a superb system in this country of post hoc audit. Every Government Department is subjected to very close scrutiny by the National Audit Office, which reports to a Committee of the House—the Public Accounts Committee. We know what is going wrong. The equivalent process is weak in the EU. I should say that we have very weak budget control in this House—that is a long-standing campaign of mine—but we have very good audit control.

So, what are we doing in Europe? Despite the importance of such work, we discover that the European Court of Auditors published only a handful of such reports a year. The concept of producing value-for-money reports, having a lot of publicity and going to a committee of the European Parliament to try to get a grip of what has gone wrong is still weak in the EU. We believe that the

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scale of that work is wholly inadequate. Perhaps it is not yet part of the continental tradition, but we can lead opinion on it because we are good at such work in this House.

Since 2005, the Court has, to a certain extent, improved the quality of its special reports as a result of our campaigning. I know that the work is respected. For instance, in 2007, nine such reports were published, but they were limited. For instance, the subjects that they covered ranged from

"the effectiveness of technical assistance in the context of capacity development"

of government in beneficiary states to

"The institutions' expenditure on buildings".

That is all well and good, but I remain concerned that the volume and range of that audit work remains limited compared to the reports that we are doing week by week on our Government. We surely need to know much more about whether the money that we are contributing as European taxpayers is achieving good value for money, but we simply do not know yet.

More fundamentally, properly to inform debate on these European programmes we need a much greater focus on measuring the value derived from them. I would be interested to know what the Minister is doing to encourage the EU institutions to address the important issues of having good reports on audit.

Mr. Cash: As I understand it, the Public Accounts Committee and all the laws relating to it originated with Mr. Gladstone when he was Chancellor of the Exchequer. I think that I am right to say that when he introduced it and subsequently, he constantly reiterated the fact that the Committee was important because it directly related to democracy as well as being of benefit to the taxpayer, and my hon. Friend has ably demonstrated that today. That is the key question. The lack of a proper system, which the Bill would seek to remedy, has caused a great deal of concern about the operation of the financial affairs of other countries.

Mr. Leigh: That is a serious point. We have had a bit of fun today—it is a Friday, and the Bill will no doubt be talked out—but there is a serious point behind all this. It is not a joke. Mr. Gladstone, that great Liberal Prime Minister 150 years ago, put his finger with great accuracy on what was wrong with 19th century politics—the corruption and the lack of control and of audit. So much of the progress that we have made in this country in achieving good governance and rooting out corruption so that we are one of the least corrupt countries in the world—what is more important than rooting out corruption?—goes back to what Mr. Gladstone was doing and to what my hon. Friend has been saying. We have a role to play in Europe in trying to get auditing and the equivalent of a Public Accounts Committee in the European Parliament and we have an interest in how the money is spent, both centrally and in the member states.

Mr. Davey: The hon. Gentleman is absolutely right, but it is not merely about corruption, is it? It is about efficiency and value for money. I hope that he agrees that in this country, in many areas, we do not get value for money or have efficiency of government, just like they do not in the EU. That is why his Committee is so important.

Mr. Leigh: Of course. We have a tendency to think that we do things much better than the French, Germans, Danes or Dutch. I do not think that we do. We are not corrupt, and I am not making a party-political point as the PAC has been around for 150 years, but we are just as afflicted by waste and incompetence in government programmes as any other country. That is why we need a Public Accounts Committee, and that is why we need to follow the European money all the way through so that we see how it is being spent and where all the waste and efficiency is. That simply does not happen at the moment.

Mr. Cash: On this historical point, John Bright, with others, was responsible for the removal of corruption and inefficiency in the East India Company. It was precisely because he and Gladstone were determined to bring in efficiency and democracy, complementary to one another, that we managed to get things right. The EU is, quite rightly, a target for us today.

Mr. Leigh: You might take me to task, Mr. Deputy Speaker, if I speak at great length about the East India Company, as that all happened a long time ago. Still, the point is important.

As I say, we should take a lot more interest in how EU money, which is taxpayers' money, is spent in our own jurisdictions; that is the point. It is a sobering thought that more than three quarters of EU expenditure takes place at member-state level. In 2006, the then Comptroller and Auditor General, Sir John Bourn, put a proposal to a Committee of the House of Lords advocating the production of a new consolidated account to improve the transparency of expenditure of EU moneys in the UK—the point made today by the Liberal spokesman, the hon. Member for Kingston and Surbiton (Mr. Davey). In 2006, I wrote to the then Chancellor of the Exchequer, now the Prime Minister, in support of that idea. The aim was to obtain a much clearer statement of the way European moneys were spent in the UK, in particular how much money was spent on what programmes. To my amazement, the right hon. Gentleman accepted the idea almost immediately, which was great. We are now to get that consolidated account.

At present in the UK, those moneys are accounted for only in large Department accounts, such as that of the Department for Work and Pensions, where they are almost wholly obscured by other domestic expenditures. It is difficult to track European money. Then, in 2006, the Treasury announced that it intended to pursue, in close consultation with Parliament and the National Audit Office, a statement of assurance on the national use of EU funds. We were one of the first countries to agree to do this, along the lines that we had suggested in our letter to the Chancellor of the Exchequer. The statement will take the form of an annual consolidated statement on the UK's use of EU funds. That will be prepared to UK accounting standards and audited by the NAO. Production of the statement for 2006-07 is well under way. I understand that we are likely to see the fruits of that endeavour very soon.

The statement represents a step forward in transparency and I welcome it, but such initiatives will be effective only if the elected bodies of other member states and their federal tiers take a similar interest. It is heartening to see that our campaign is making some progress in Europe: we are being joined by the Netherlands and Denmark, and some other member states are taking similar initiatives—indeed, I went to talk to our Portuguese colleagues, who are interested in the idea. Each is trying to work up a programme tailored to their own needs. One of the difficulties is that the French are violently opposed to the idea. I do not why they should be violently opposed to tracking how EU money is spent in their own country.

Lord Commissioner of Her Majesty's Treasury (Steve McCabe): Violently?

Mr. Leigh: They are very strongly opposed—not in the sense of physical violence, but every time we make this proposal in the Council of Ministers or the European Parliament, it receives a "non" from our French colleagues. However, there is no reason why opinion should not change under President Sarkozy—a French President whom I greatly admire. There is a great opportunity, given that President Sarkozy's thinking is much more in line with ours, and I hope that he can change the French Government's attitude.

Partly as a result of the French action, many member states are waiting to see how our efforts fare, so we are, as usual, in the vanguard with the Danes and the Dutch. We will see what happens. Until more member states follow suit, progress toward strengthening the scrutiny of EU expenditure will be stymied—it simply will not work. That raises the question of what our own Government are doing to convince other member states to improve the transparency of their own use of EU money and whether the Commission is taking tangible action to support such efforts. I hope that the Minister will make a point of arguing that other member states should follow our Government's excellent endeavour.

Mr. Chope: Has my hon. Friend seen the report the Government produced yesterday, "Global Europe : vision for a 21st century budget"? At paragraph 2.11 is the statement that

"there is significant spending on agricultural subsidies that lack a credible policy rationale and on regional aid to parts of the EU that are no longer poor. Far-reaching reforms will be required to reorient the budget so that it is fit for the 21st century."

Does he think that that is realistic, given the opposition that he has described from the French Government and others?

Mr. Leigh: No. but at least as a result of the campaign the Treasury is producing the report and starting to identify the problems. We are starting to work out what is going wrong in our own country. There is no point lecturing other people unless one gets one's own house in order. To give the Treasury due credit, it now doing that, and the report published yesterday is the first part of a long programme. To be frank, I see no reason why the French and every other nation should not conclude that it is in their interests to follow how EU money is spent. We will continue the campaign.

In recent years, we have expended a lot of energy discussing the shortcomings of the EU accounts. Some progress has been made, but the Commission and member states need to root out the complexity and bureaucracy that entangle EU programmes. Greater efforts also need to be made to measure what European taxpayers are getting for their money. We need to convince colleagues in member state Parliaments to take a greater interest in how EU money is spent. Unless all that happens, I fear that we will be here again discussing these issues in much the same way in five years. However, Bills such as this, debates such as this and what the Government are doing are all part of good progress. Let us continue it.

11.15 am

Mr. Edward Davey (Kingston and Surbiton) (LD): Let me make it clear at the start that I have no objection in principle to the Bill. There can be no objection to an audit that is independent and genuine. I have been reading the Bill to check that there are no points on which I fundamentally disagree with the hon. Member for Christchurch (Mr. Chope). There are some details that I shall question in general debate, but I have found nothing in principle that I believe should prevent the Bill from receiving its Second Reading.

I hope that the hon. Member for Gainsborough (Mr. Leigh) does not mind my saying that his speech was both fascinating and fabulous. His predecessor, the former right hon. Member for Haltemprice and Howden, was also a distinguished Chairman of the Public Accounts Committee, and I enjoyed many debates with the right hon. Gentleman along similar lines to this morning's. There seems to be a fairly large degree of agreement across the House on some of the financial accounting minutiae. I served with the hon. Gentleman and the right hon. Member for West Dorset (Mr. Letwin) on the Bill that became the Government Resources and Accounts Act 2000, when we considered modernisation of the framework that Gladstone bequeathed to this House. Some useful work was done in connection with that Bill that has some parallels with what ought to be done in the EU. Scrutiny of that Bill also showed that further progress was needed.

I do not know whether I have to declare this as an interest, but in 2000 I wrote a pamphlet, "Making MPs work for our money: The reform of Parliament's scrutiny of the budget". When I entered Parliament, although I knew it in theory, I was dismayed by the lack of financial scrutiny that goes on here. The hon. Gentleman is correct: ex post, this House and this country do some fantastic work through the NAO, the Audit Commission, the district auditors, the Public Accounts Committee and other such bodies.

Mr. Syms: Speaking from 14 years' experience as a local councillor, I think that local government has a lot to teach Parliament about how to control money. In local councils I have seen many arguments over small sums of money badly spent and good accountability. Here, measures tend to shoot through while we debate other subjects.

Mr. Davey: The hon. Gentleman brings me to my point. As I was saying, ex post, this House, this country and local authorities do very well, but ex ante, as the Budget goes through the House, we do shockingly

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badly—far worse than local authorities up and down the country, where councillors question budget items before the money is spent. Indeed, some right hon. and hon. Members might be surprised to hear that even the EU does better than this House.

Mr. Leigh: Will the hon. Gentleman support the campaign that I am waging—so far unsuccessfully—in the Liaison Committee to persuade my colleagues to set up a Budget Committee? The Government carry out their spending review three years in advance, but there is no proper scrutiny by this House of how the money is to be spent. We need a separate Select Committee to do the equivalent, before the money is spent, of what the Public Accounts Committee does afterwards.

Mr. Davey: I would genuinely like to see the hon. Gentleman's proposal. I will agree to consider it if he agrees to read my 2000 pamphlet, where I make a set of recommendations on how we could improve ex-ante scrutiny of public expenditure. In the pamphlet, I drew on a report written for the OECD that looked at how 27 Parliaments scrutinise budgets ex ante. I have to tell the House that this country performed worst on all the objective criteria. I carried out a detailed analysis of how reform of ex-ante scrutiny came about in the USA, Sweden and New Zealand. The case of New Zealand was particularly interesting, not least because its traditions are similar to those of the House and because it uses the Westminster model of democracy.

It is absolutely clear that we could perform far better with some very modest reforms. We should have something like an estimates office—the equivalent of the National Audit Office, but answerable to this House—to look at budgets as they are presented, and before a decision is taken on them. It could serve Committees. On the point made by the hon. Member for Gainsborough about whether there should be a Budget Committee or departmental Select Committees, I think that we should look at the European Union—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Gentleman saw that I was about to rise to remind him that he is concentrating rather too much on domestic matters. Perhaps he should remind himself of the title of the Bill that we are debating.

Mr. Davey: You are absolutely right, Mr. Deputy Speaker; I was slightly carried away, but in my defence, I may say that my points were made in response to the excellent speech of the hon. Member for Gainsborough.

Coming back to the Bill, there are a few questions to ask before I come to how the audit would work. There is the issue of frequency to consider. The hon. Member for Christchurch proposes that the audit be carried out every five years. I am not sure whether that is the right frequency. When it comes to something as important and valuable as the European Union, I do not think that referendums or audits should be done so frequently. I would not object to an audit being done perhaps every 15 years, but five years seems a relatively odd period for such an important and indeed expensive piece of work. I am sure that the hon. Gentleman would not want to waste taxpayers' money on too-frequent audits, which may be the result of the Bill.

I will come to another issue of substance that the Committee considering the Bill would need to look at; I hope that the hon. Gentleman can reassure us on the subject when he winds up the debate.

Mr. Mark Francois (Rayleigh) (Con): We make a net contribution to the European Union of almost £3 billion a year; why would an audit of that money once every five years be too frequent?

Mr. Davey: I think that the hon. Gentleman's figure is wrong; the amount is actually slightly greater. I understand that it is about £4.69 billion, but I am sure that there are different ways of working out contributions. I have no problem with our considering the amount of money that he mentions—the public expenditure. That should be audited every year under current processes. However, the Bill of the hon. Member for Christchurch goes far wider.

Clause 2 refers to the terms of reference. Although they make some sense, I am not sure whether they are drawn widely enough, as the rest of my speech will show. Bodies such as the European Union have quite a number of indirect but absolutely critical benefits. I will go on to talk about peace, the spread of democracy and human rights. I do not want to shy away from an argument based simply on easily quantifiable financial costs and benefits, but there are benefits that are more difficult to quantify. When the hon. Gentleman makes his winding-up speech, I would like reassurance that his terms of reference will cover the sorts of issues that I am talking about.

Mr. Syms: The hon. Gentleman is right; if one talks to young Czechs and Poles, one finds that many of them do not see the EU in purely economic terms, but see it as moving on from the communist past that they have had to put up with. They see the EU more as an exercise in civilisation and democracy.

Mr. Davey: I shall come to those points directly, because I want to talk about the concept of peace. We now enjoy peace in western Europe, southern Europe and central and east Europe, and looking at history, that is unusual. Decades of peace have meant that we have not seen tens or hundreds of thousands, or millions, of citizens of Europe slaughtered on the battlefields of Europe, and that is relatively unusual. The question is: what role has the European Union played in that, and what role does it continue to play? I have never sought to argue that the past 63 years of peace in Europe are down solely to the European Union; clearly, that would be nonsense, and it would ignore the importance of NATO, the alliance with the US, the US umbrella in the time of the Soviet Union, the nuclear deterrent, and the economic growth that would have happened without the European Union. All those things have played an important part in keeping the peace.

I am interested to know how the hon. Member for Christchurch thinks that the EU membership audit commission should go about the difficult task of working out cause and effect—working out what role the European Union has played, and continues to play, in keeping the peace. What is the probability that our country would have been involved in a war or armed conflict if there had been no European Union? I seriously think that

that has to be assessed if the audit is to be correct. Frankly, I could not support the Bill if it did not consider those pretty fundamental questions. I would want to be sure that the terms of reference covered that issue. What assumptions would he wish the commission to make in respect of the value of lives—the lives of British servicemen and women that might have been at risk if we had had more wars because the EU was not there to play a role in preventing them?

Mr. Chope: The hon. Gentleman will see that clause 2(b) mentions "national security and defence", so many of the concepts that he talks about would be included under that provision. If he is suggesting that we should have some sort of historical treatise on what has happened in Europe since the last war, I point out that that would not be the proper role for the Bill, because we are trying to look forward, rather than back.

Mr. Davey: The hon. Gentleman raises a difficult issue that his commission would have to deal with: how would it consider the benefits that have accrued, and the benefits that will arise, and how does the intergenerational aspect of the costs and benefits work? If one accepts the thesis that the European Union has played an important role in keeping peace, one must accept that without it, we would be living in a very different—a much less secure—Europe today. His commission has to grapple with that, and I hope that he will not shy away from the issue.

The hon. Member for Poole (Mr. Syms) intervened to talk about the importance of democracy, and pointed out that in 2008, a Polish citizen, or a citizen of the Czech Republic, may well have a different view of the EU's historical importance and their country's membership of it from that of a British person. We are quite a long way away from earlier wars and from those very difficult, dark days, but they are very much in the memory of people who have recently joined the European Union, who have escaped the shackles of communism and dictatorship, and who really value their freedom and human rights, which they feel are better protected as a result of their country being a member of the European Union.

Mr. Cash: We have just had several months of debate on the Lisbon treaty Bill and its political and economic impacts, both in a historical context and in the context of planning for the so-called future. The Irish people have just given their verdict on the issue. Does he not think that trying to mix up the broader historical landscape to which he refers with the narrower, more precise economic questions that arise under the Bill would be detrimental, and that the merit of the Bill is that it deals with those narrow questions? May I briefly add that unfortunately I will have to leave, as I have to attend my nephew's wedding? However, I will listen with interest to the rest of what the hon. Gentleman has to say.

Mr. Davey: I think I speak on behalf of the whole House in saying that we are very disappointed that the hon. Gentleman will not be present for much longer, as we enjoy his speeches, not least because they are exceedingly well informed and researched. May I on behalf of the House wish the hon. Gentleman's nephew and his wife-to-be the greatest happiness in the years to come living in Britain, and in Europe?

On the intervention, I think it would be the wrong approach for the audit to be narrow and conducted simply in financial terms, although I also think that if it were, the outcome would show a big positive from membership of the European Union. My support for the EU is not based simply on financial and economic grounds—although I think it is in the interests of the UK to be in on those grounds. The benefits are much broader. If we look at our membership of the EU in the historical context of peace, human rights and democracy, we begin to see the essence of the EU ideal. I was grateful when the hon. Member for Christchurch intervened to say that part 2 of the terms of reference is aimed at capturing such matters; I am much happier because of that clarification.

Of course, there are many causes of the emergence of more democratic nations in Europe, particularly in southern, central and eastern Europe. I do not claim that the EU is the only contributor to that welcome development. The collapse of the Soviet Union, and all the reasons behind it, are probably more important—and the rise of some of the nationalist movements in central and eastern Europe has contributed, too.

All this shows what a difficult job the commission will have to do; it will have to conduct a thorough and comprehensive analysis and get through some tricky issues. I am reminded of Sir Nicholas Stern's recent work in looking at the potential costs and benefits of climate change. I refer the hon. Member for Christchurch to that study. The Stern review of climate change had to deal with some difficult risk and probability analysis, using some clever econometric and mathematical models to work out the monetary value of any particular scenario. The hon. Gentleman's audit would have to do much the same in looking at democracy, human rights and peace. Although I think the commission would be engaged in a laudable exercise, I also think it would have to do some tricky work, such as assessing the value to Britain of having more democracies.

One can take a very narrow view and say that it is good that there are more countries such as China whose economies are growing and that are able to trade with us, and that we need not worry about other aspects of life in those countries. However, I believe that people in Britain and Members of this House are concerned about the human rights of the Chinese people and the lack of democracy in China, and I believe that that applies within the European context, too. I hope that the audit would look at that.

I also hope that the audit would look at what the EU enables Britain to achieve by working with other partners which it might find difficult to achieve if it were outside the EU. Let me give a couple of examples. The EU is leading the way internationally in measures to deal with climate change. We have had a lot of problems working with our American colleagues on this issue, as they have been very reluctant to take the next step. Also, Australia, Japan and other countries that are leaders in the world have been unprepared to sign Kyoto and to make more commitments. Within the EU, we have managed to get many other countries to work with us to start addressing these issues at both global level and within the European context. I wonder how this audit would analyse that cost and benefit. Would it be more difficult to achieve these sorts of agreements if we did not have the EU,

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which has processes and develops closer relationships between countries so that they can trust each other and take another step forward?

Mr. Francois: The hon. Gentleman said in his opening remarks that he has no objections in principle to the Bill, so may I ask him a simple question? Do the Liberal Democrats support the Bill, or not?

Mr. Davey: Yes.

Mr. Leigh: Oui.

Mr. Davey: Oui—or "yes" in whatever language we want to use; I shall not go on, as I do not wish to be ruled out of order again. I have no problem with the Bill. All I am doing is setting out some of the issues that I hope any commission established through this proposed legislation would address. It would be vital that it did so. However, if we did not have cast-iron assurances on Third Reading that those issues would be addressed, I would be less willing to support the Bill. Nevertheless, in principle and on the face of things, having read the Bill and having already got assurances from hon. Member for Christchurch, I think it moves in the right direction.

There are other issues to do with the nature of international co-operation that the institutions of the EU make possible, and that would be more difficult to address if we were not members of it. Let me give a practical example, following the problems to do with bovine spongiform encephalopathy and how that affected the beef industry in our country. The Americans have not yet allowed British beef properly into USA markets. When there was a similar situation to do with the French, we were able through the European institutions to take them to court and force them to do so. The British beef industry was then able to start exports into the French market. Without the EU, I suggest that that would have been—I shall pronounce the following word in the French manner—"impossible". I hope the audit would be able to take account of many such benefits. When we have genuine disputes with countries, our farmers—or whatever industry is involved—can be put at a disadvantage if there is not a dispute mechanism to sort them out.

Mr. Evans: I sort of accept the hon. Gentleman's point, but the position is not quite so clear. I am sure he has been following the spat between President Sarkozy and our Trade Commissioner, Peter Mandelson. Sarkozy is now on the record as putting much of the blame for the Irish "No" on Peter Mandelson's negotiation of the reduction in food growth by 21 per cent. when 800 million people are starving in this world. Can the hon. Gentleman therefore appreciate that these matters are not quite as clear as he is saying?

Mr. Davey: The hon. Gentleman simply shows how difficult such an audit would be, as it would have to take into account many matters. My purpose is to make sure that if and when this audit is conducted, it is genuinely comprehensive and is not narrow and focused on only one aspect. It is quite difficult to make a full assessment of some of these issues, which are vital to the interests of business in this country.

Mr. Cash: I am chairman of a number of committees in the field of international development. Does the hon. Gentleman agree that my Bill to do with an anti-corruption audit, which involves looking at what the EU does, and at what other bodies such as the World Bank and the International Monetary Fund do, demonstrates that he has a point: in order to evaluate the kind of analysis that this Bill would provide for, it would be necessary to address international development issues, because a lot of that money is spent through the European Union, but that needs to be properly monitored and at present is not?

Mr. Davey: Although I have not read the hon. Gentleman's Bill, from his description of it I think I probably would be able to support it. I am concerned that any money spent by the EU should be spent properly. On financial scrutiny of EU budgets, let me first say that I enjoyed the speech of the hon. Member for Gainsborough. The EU budget represents just over 1 per cent. of gross national income across the EU, and slightly less than 2 per cent. of UK public expenditure. Although we should make sure that every single penny is properly audited and scrutinised, the idea that that should be the only focus of corruption analysis or value-for-money analysis does not bear much scrutiny. There are many other examples of wasted money, and they are far greater than the examples of wasted money in the European Union. They occur in Whitehall and in local government, and as elected representatives, it is our job to hunt down such waste.

Another factor that the commission would find it quite difficult to get its head around, and that shows the nature and benefits of the European Union, is the freedom to move. It is a core freedom in the European Union—the freedom to travel on holiday, to work, to live and to set up a business anywhere throughout the EU. All those freedoms are crucial, and millions of UK citizens benefit from them. We all know about the UK citizens who live in France and in Spain, but when I holidayed in Bulgaria last year, I was impressed by the estate agents in Plovdiv, who advertised all their properties in English with the price in sterling, not just in euros, which I am sure will please the hon. Member for Christchurch.

That situation shows both the number of British people who want to buy property and land in Bulgaria, and some of the protections, safeguards and freedoms that come from the European Union, because the flow of British people to Bulgaria has increased substantially since Bulgaria joined the European Union. I should be interested to know how the hon. Gentleman's commission would take account of the value to Britain and to British people of those extra freedoms. Clearly, it would have to assess whether those people could have followed that course without Bulgaria having joined the European Union, and there would have to be some very complicated analysis. It is important that we examine the value to individuals of the freedom to move, because my concern is that if we were to leave the EU and there were restrictions on the movement of individual British people, there might be a cost to every single person.

The issue of trade is more about a narrow financial and commercial analysis, which was the original intention behind the hon. Gentleman's Bill. There is the vexed question of whether the EU has increased trade and

how many jobs that in turn creates. There are many different estimates. The hon. Gentleman quoted Civitas's estimates, but there have been estimates from the National Institute of Economic and Social Research and many others, and surprise, surprise, they all disagree with each other, so a properly constituted body may need to look more deeply at the analysis of trade. However, we in this House are all concerned about the unnecessary cost of regulations, and his audit will have to be rather careful about how it examines the European Union's role in that area.

I always like quoting the regulation on strawberries, because it says what a strawberry is and is not. The hon. Gentleman may find it outrageous that the EU has a regulation on strawberries, and I am sure that the popular press would like to pillory the situation, too, but the truth is that before the EU had a single regulation throughout the single market, every single, individual member state, almost without exception, had a regulation on what a strawberry was. The EU regulation on a strawberry resulted in all the other individual regulations on strawberries being torn up. So if one is going to analyse the costs and benefits of regulations in the European Union, one must work out how many extra regulations pulling out of the EU would impose, because we might have to go back to a series of individual member states' regulations on what a strawberry is, and heaven forbid that we go that way.

That makes my point: the idea that we will not have regulations if we are outside the EU is nonsense. We had regulations before we went into the EU.

Mr. Cash: The hon. Gentleman is moving into territory that I regard as extremely dangerous. When the European regulations impose burdens on business, the real question is: how does one manage to get rid of them and/or modify them? The only means by which one can achieve that is either negotiation, which requires a majority vote that is not regarded as feasible because of the number of member states involved, or getting the individual member states, particularly this country and its Parliament, to take a decision to modify and/or to remove the burden through their own parliamentary processes. That is the way one must do it, and there is no way around it.

Mr. Davey: I am delighted that the hon. Gentleman took me up on that point, although I must say that I did not realise that I was moving into dangerous territory by talking about strawberries. The idea of soft fruit being dangerous is an interesting one.

I am afraid that the hon. Gentleman's intervention just shows some of the problems that the commission would have and that his argument has always had. If Britain were to pull out of the European Union, the European Union would still exist and make regulations on strawberries and on many other things. British exporters who wanted to export to EU member states would still face those regulations. This Parliament by itself is not able to wish away EU regulations, so it is very easy for the hon. Gentleman to suggest that if we left the EU, those regulations would not hit our businesses, but I am afraid that they would, because the EU would remain in existence.

Mr. Cash: I was not actually arguing about the case for withdrawal. I said in the debate only the day before yesterday that that is where we may end up going, but it is not one of my specific objectives. The real question is whether one can reduce the burdens on business in order to achieve economic competitiveness. The only basis on which one would have to pass unilaterally a law in this country in our vital interests would be other member states simply refusing to do anything about the issue. That is the crucial point. I am interested in the impact, as the Bill provides for it, on the United Kingdom, although I recognise that other member states can be foolish and unwise if they wish.

Mr. Davey: I still think that the hon. Gentleman has not answered the fundamental question. Presumably, the cost-benefit audit in the Bill, which we all support, would have to take into account the cost to the UK of withdrawing from the European Union. My point—

Mr. Cash: *rose—*

Mr. Davey: If the hon. Gentleman will just hold on and let me finish, I shall be very happy to let him in before he goes to the wedding.

The audit would have to analyse the cost of the regulations, but it would also have to admit that those costs would not go away if we left the EU. If we were to leave, our exporters would still face those costs, but the Government would not have been around the table when the regulations were being decided, and they would not have been able to have an influence or to try to ensure that the cost of compliance had been lessened. Indeed, if we were not at the table, other EU countries could ensure that the cost of those regulations was higher to people who were not in the European Union, so there would be some fundamental problems.

Mr. Cash: We could be in danger of developing a completely separate argument on a separate Bill, but if I may say so to the hon. Gentleman, we must decide what kind of regulations we want our businesses to have to comply with. The other member states must work out, in relation to the global marketplace, the extent of the burdens, including the £600 billion to which Mr. Verheugen referred in respect of the European Union, that they can afford to have inflicted on their businesses.

That is the key question. I think that the hon. Gentleman will find that the result would be that if the evaluation was a proper one of the kind that my hon. Friend the Member for Christchurch suggests, and the other member states were prepared to listen, we would end up with a more comprehensive reduction in burdens on business all round.

Mr. Davey: Let me be absolutely clear about this. I agree, my party agrees and Liberal Democrats in the European Parliament agree that we need to reduce the regulatory burden that comes out of Brussels and to simplify the administrative arrangements so that the cost of compliance is reduced. The hon. Gentleman will know that there are programmes in place to try to do that. *[Interruption.]* He says from a sedentary position that they will not do that. I remind him that it is the job of MEPs elected from this country to the European Parliament to hold the Commission to account in doing that. Indeed, it is the job of Ministers who go to Brussels to ensure that the Commission does it, because they are pledged to reduce the costs of the regulatory

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burden. My fundamental point to the hon. Gentleman is that if we were not in the European Union we could not try to reduce the costs of these things—we would have no influence on them—but we would still be hit by the regulations. If the proposed cost and benefit analysis were carried out on regulations, I cannot see how it could conclude anything but that there is a benefit to Britain being in the EU because it can influence the regulations.

Mr. Francois: I do not want to intrude in the debate between the hon. Gentleman and my hon. Friend the Member for Stone (Mr. Cash), but as my hon. Friend is just about to go to the wedding—for all I know, there may be strawberries there—I should like to take the opportunity from our Front Bench also to wish his nephew and nephew's wife-to-be all the very best for the future. I hope that it is a wonderful day, that the weather is good to them and that they have a happy life together.

Mr. Davey *rose—*

Mr. Evans *rose—*

Mr. Davey: I give way to the hon. Gentleman, because I do not think that I need to reply to the hon. Member for Rayleigh (Mr. Francois).

Mr. Evans: We are moving into Wimbledon fortnight, and a lot of strawberries will be eaten there. I am sure that the regulations run to many pages as to what is and is not a strawberry. However, there is one benefit to having the European Union working on our behalf, in this respect: if one were having Cornish clotted cream with the strawberries, one would be having a brand that is now protected so that that cream has to come from Cornwall and cannot be produced somewhere else.

Mr. Davey: I do not know what the hon. Gentleman's hon. Friends will think about that, but he makes a strong case for the advantages to many parts of Britain and British business of our membership of the European Union. I hope that the audit would take into account the extra protection given to UK brands that the European Union provides.

I want to touch briefly on the competition regime. In recent years, the UK Government have rightly toughened up the competition regime as it applies within the UK. Of course, UK competition authorities cannot exercise any influence on any other country. However, through our membership of the European Union we can ensure that the EU's competition authorities, working with member states' national competition authorities, can pursue the important objective, which is in this country's national interests, of liberalising markets across the EU. In the case of the telecoms market across the EU, it is estimated that cost of making international telephone calls has fallen by 80 per cent. in the past 25 years. It is difficult to think that that would have happened through technology alone; the European Union has been a very important factor in making it happen. We have seen a recent example of the EU cutting the mobile phone costs of roaming across the EU. That has a massive benefit to individual consumers.

I ask the hon. Member for Christchurch how his audit would take account of the reduction in prices that consumers have seen in many markets because of the liberalisation that has been driven by the European Union, following a very British, Anglo-Saxon agenda. One of the reasons why the French and Monsieur Sarkozy get so uptight is that they think that the European Commission is following a British agenda of liberalised markets, market forces and competition—and I think that it is. We have had a huge influence, and that brings massive benefits to our own people. His audit would have to take that into account.

Let me give another example. The cost of air travel has fallen by about 40 per cent. in the past decade. That is also to do with Europe-wide measures that would not have been possible without the institutions of the European Union. The hon. Gentleman's audit would have to take account of all the potential future liberalisations that the European Union may well be able to bring about, particularly in the energy sector, that might not be possible if Britain were not in the EU. Britain is one of the driving forces behind the push towards energy liberalisation, and I would hazard a guess that if we were not a member of the European Union, that would not move forward. Again, I hope that the hon. Gentleman's audit will take account of that.

I have spoken for far longer than I had intended, partly because we have had an enjoyable debate about strawberries, weddings and the accounts. There is merit in the Bill, as long as the audit is as thorough and comprehensive as it should be.

11.54 am

Mr. Robert Syms (Poole) (Con): I congratulate my hon. Friend the Member for Christchurch (Mr. Chope) on the measured and reasonable way in which he introduced the Bill. A lot of figures are bandied about, and a decent study would help to inform public debate.

Going back to first principles always creates the best debates, and one would have hoped that the Government would do as a matter of course what my hon. Friend wants the proposed committee to do. Indeed, the reason why we marched out of a lot of the world, including Africa, after the independence of India, Burma and other countries was that the Treasury and the Foreign Office examined the costs and benefits of the British empire. They were overcome not by democracy but by the fact that a lot of the states in question cost us money. That was why, throughout the 1950s, Britain allowed a lot of countries in Africa to become independent—they did not pay. Ultimately, we as a nation must examine our associations, including our membership of the EU, and constantly keep under review their various benefits or disbenefits.

The task that the Bill would set the commission is particularly difficult, as this wide-ranging debate has shown. The assessment is difficult, and I suspect that if the commission came up with any figures, they would have to be in ranges and based on a rough model. I suspect that given currency movements and terms of trade, the benefits would change over time. However, the Bill is a good and sensible way of moving forward and leaves to the commission how it would conduct its review. I would guess that taking evidence would be a very good way. Many public bodies and organisations,

both supporters and opponents of the European institutions, would want to give evidence and put their views on record to form part of the public debate.

I am particularly pleased that my hon. Friend has included national security and defence in the terms of reference. As the hon. Member for Kingston and Surbiton (Mr. Davey) pointed out, there are much broader reasons for being in the EU than purely economic arrangements. It is largely about not trade but the French and the Germans living together. They have had three wars in the past century, if we include the French occupation of the Ruhr in the 1920s. They have had a fraught history, and politicians from both those states determined in the post-war period that they wanted to trade, live together and form new institutions. That was logical in two countries where millions of people had died and there had been massive struggle.

That is largely what the EU is about. After all, Germany has invaded every one of its neighbours in either its Prussian or German incarnation, except Switzerland. The Swiss were largely part of the greater German economy supply in the last war. Clearly, living with a Germany of 80 million is difficult. All those who live close to Germany have a fear of the Germans, and ironically German politicians have a fear of the Germans because of their recent history. When we consider German politics, and the CDU and the CSU, there is an element of fear because there have been some awful events in recent history. The Bill must therefore go far wider than purely economic benefits.

The EU posed a particular challenge to us as a nation. Historically, we have always tried to divide and rule in Europe. We have always opposed the existence of one strong power source on the continent, whether it be a Napoleon or a Hitler. The challenge of the 1950s and 1960s, with the creation of the EU, was how to deal with a peaceful bloc, which had great influence on our trade, trying to work together. Our joining has always been a means of trying to influence what happens over the channel. It is no accident, considering the locations of Waterloo and the battlefields of Flanders—the Scheldt estuary is probably the shortest route for an invasion—that we have a legitimate public, political, military and economic interest in what happens over the channel. It is good that that element is included in the Bill. The hon. Member for Kingston and Surbiton made a good point about the broader issues.

To finish that point, John Major said that we ought to be at the heart of Europe. I strongly disagreed with him, because there are different motives for different people in the EU. Being at the heart of the EU is clearly more important for the French and the Germans than it is for us, who will inevitably be on the periphery. Our worldwide trading patterns, including with US, our open economy and our Anglo-Saxon attitudes do not always fit so comfortably into what the EU does. The hon. Gentleman made a good point, which is that some of those characteristics, which we take to the European debate, should make the EU a much more open, free trade organisation than it is.

We have always had a fraught relationship with Europe, not least because Britain is so framed by the development of its constitutional arrangements into the United Kingdom and Parliament. If someone wanted to shew a cinema audience a five-second film that was a shorthand representation of us, they would probably show an image of Parliament and Big Ben. Whether it was a James Bond film or an Alexander Korda film in London, it would pan up the Thames and the world would know where it was, because that is how we define ourselves.

If you wanted to define an Italian in five seconds, Mr. Deputy Speaker, you might show the Colosseum or a plate of spaghetti, but Italy is really about language and family, not necessarily its constitutional arrangements. Would anybody know what the French Parliament, the French National Assembly, looks like? If you wanted to show what Parisians are, Mr. Deputy Speaker, you would pan across the Eiffel tower. Indeed, if you watched for what CNN correspondents sit in front of to show where they are, you would see the Eiffel tower, not the French constitutional arrangements. That is why it is so important that that element is included in the Bill. If you were to define the Dutch, you would probably choose the canals. Germans are much more difficult—you could go for Berlin or a Volkswagen factory.

Britain is unique, however, in that we are very defined by our constitutional situation. That is why we take the arguments to heart so much and become so uncomfortable with lots of constitutions being written. After all, there are people alive today in the eastern part of Germany who were born in the Weimar Republic, spent some time under Nazis, then lived in the German Democratic Republic and are now elderly pensioners in the German Federal Republic. They will have seen different capitals, different boundaries, different constitutions and different systems, whereas people in Dorset are rather rooted in things going on in the same way. The constitutional situation is clearly difficult for us in relation to Europe—it is not impossible, but there are different problems.

Then we come to assess the economic benefits. Our pattern of trade has been changed over the past 20 or 30 years, and many jobs are dependent on the European Union. The European Union is still a very rich part of the world and there is a still a potentially big market. As I said in my intervention on my hon. Friend the Member for Christchurch, a lot of the supply side changes made under Baroness Thatcher have made us a much more competitive economy, enabling us to be successful and to sell to people round the world. We have also been a major recipient of inward investment.

All those things would have to be taken into account. I am glad that the terms of reference are drawn quite widely, because any inquiry would have to consider immigration and the movement of peoples. In recent years we have all seen many citizens from Poland come to work in our country. Many of them work hard and benefit the economy, but there are pluses and minuses when people move, and they also need housing, the national health service and all the other things that this country must provide in the longer term.

All those things would need to be considered. If the committee chose a model, took evidence and produced a report, which I suspect would make some quite wide-ranging proposals, it would not need to do the whole job every five years. All it would have to do would be review what had changed since its previous report. I do not see the process as being quite as bureaucratic or as having to be repeated again. Once the committee had established a model to assess the impact, it would simply have to update its views and values.

[Mr. Robert Syms]

When I first came to the House 10 years ago, there was a lot of debate about the potential benefits and disbenefits of the euro. Many people were saying that the City of London would disappear if we did not join, yet we now have a robust, successful City that has created many jobs, including jobs for Europeans. Anyone who goes to Hyde park on a Sunday will hear lots of foreign voices, and many of those people work for banks in the City of London, which is very successful. Clearly, currency and trade arrangements would have to be considered as part of the terms of reference of the Bill.

This is a topical subject. Many of my constituents said, "Three cheers for the Irish!" because of what the Irish people have done. It is sometimes inconvenient for politicians when the public speak, but the Irish have clearly set out their concerns about the treaty, as other countries did at an earlier stage. The arrogance of the European elite was mentioned earlier. If we ask people to vote yes or no, and they vote no, how much analysis does that need? That seems to be a clear decision. The public view of politicians is undermined when we get an inconvenient answer and try to ignore it or get round it. There is now greater scepticism among the peoples of Europe about the direction in which Europe is going. In my view, if there were an in-out vote today, I would still vote to be in, because I think that on balance there are still benefits to be had. However, public debate in the UK would be much better informed if we had some learned people looking at the pluses and minuses of the organisation, to give us a factual basis for remaining in it and, more importantly, to enable us to improve the situation.

There is some unfinished business involved in this, and we might well have to go down the route of renegotiating certain terms—I hope that we would still maintain our membership—as that would be beneficial for Europe as a whole. There are now so many measures on the statute book, and the costs to industry and to many EU citizens are such that I cannot see the present model lasting over the next 40 or 50 years, unless Governments start to kick up a fuss and throw their weight around.

One of the first votes that I ever took part in was in the referendum on whether we should join the common market in the middle 1970s. I voted yes—just. That was the only vote in my life in which I could put my hand on my heart and say that I could never be sure that I had done the right thing—

Mr. David Evennett (Bexleyheath and Crayford) (Con): Absolutely right!

Mr. Syms: Indeed. In every vote in Parliament, I have always thought that I was, broadly speaking, right, for good or bad, although with varying degrees of enthusiasm for the various leaders of my party. I voted yes in that referendum and I think that I would vote yes again today. However, there is now a great gulf between what happens in Brussels and what people on the streets see. There is a lot of false information around, and we need someone to do a decent job of work in providing a proper analysis of the costs and benefits and of the facts. That would help public policy debate.

12.8 pm

Mr. Nigel Evans (Ribble Valley) (Con): It is always a delight to follow my hon. Friend the Member for Poole (Mr. Syms), who has made a thoughtful speech. I did not agree with all of it, particularly the last bit, but that is the way we are. I congratulate my hon. Friend the Member for Christchurch (Mr. Chope) on winning the ballot and bringing this issue to the House. I am delighted to support his Bill and I look forward to hearing whether the Minister is minded to allow it to go through to its Committee stage. Such deliberations would be useful for fleshing out many of the issues that the hon. Member for Kingston and Surbiton (Mr. Davey) raised in his speech.

Like the constituents of my hon. Friend the Member for Poole, I raised three cheers for the Irish. Indeed, that night, I went into my local pub, the Swan with Two Necks, and had a pint of Guinness to celebrate. Guinness is not my usual tipple; I am a bitter man, as will become apparent as I continue my speech. I like a pint of Copper Dragon, but I deviated in order to show my support for the Irish. Having said that, after the Danes voted, I remember having a pint of Carlsberg, but that did not help us much.

What the Irish result demonstrates more than anything else is that there is a disconnect. The only countries that have said yes—we have to be very careful about our use of words here—are those that have gone through their parliamentary systems; and the only countries that have said no have been the ones where they asked the people. That just shows how out of touch parliamentarians and politicians have become with their own peoples. It is not just the MEPs who are remote—most people accept that they are; many do not even know their names—as so many Members of Parliament are getting it wrong by not listening to their own peoples. That makes the Bill more essential than ever.

When the French had the opportunity to vote in 2005, they voted no, and the Dutch did exactly the same. The issue was then re-mashed a bit, but as I understand it, it was 96 per cent. the same when it came before us again. Many European politicians said that the treaty was basically the same as the old constitution. Only in this country were we told that it was not—and that was only to get the Government off the hook because they did not want to hold a referendum. When I asked the Foreign Secretary earlier this week whether he felt that if the British had voted on the same day as the Irish, they would have voted any differently, he sort of smiled and said that he only wished as many British people thought as positively about the EU as the Irish did. Many of us accept that it was not an anti-EU vote per se: the Irish were saying not that they wished to pull out of the EU, but that they did not like the constitutional treaty. They wanted a referendum, and their voice was heard.

Let me demonstrate how dangerous the disconnect is getting. Today's *Daily Express* says, "Brown joins EU plot to make Irish hold another treaty vote". If that is the case, we are going into very dangerous territory. The former French President, Valéry Giscard d'Estaing said yesterday that the Irish should hold another referendum:

"A country that represents 0.7 per cent. of the European population cannot decide for the others".

That shows arrogance. Under the current system, 27 countries have to say yes. It is not a matter of 26 countries saying yes and the other country having to roll over and have another referendum.

Peter Mandelson was mentioned earlier. He blamed the result on—and I love this—

"an appalling number of rumours on which people's prejudices and fears were built... All those fears should have been addressed, all those misrepresentations should have been corrected. The untruths that were put out by some of the propagandists should have been rebutted at the beginning of the campaign".

All I have to say to Peter Mandelson is that what goes around, comes around. I just love it—the cheek, the brass neck of it. Mandelson is reported as saying that he did not believe that the Irish people were rejecting Europe, which I agree with, but he went on to say that he saw the treaty as "absolutely essential". He cannot have it both ways. That is what leaves people cold. What is he actually saying? Are the Irish to have another referendum on exactly the same treaty? That is what would have to happen, because if it were changed in any way, shape or form, it would have to come back to all the other Parliaments as well.

This issue is not just about the Irish. I believe that if the British people had had their say, they would have said no by an even larger majority. For another example, the Czech Prime Minister is now on record as saying that he was not going to put the brakes on to halt ratification, but that he

"would not bet 100 crowns"

the equivalent of $6 or £3—on a yes from the Czech Parliament. Clearly, a number of other countries have a problem.

Mr. Chope: Is not the attitude of the Czechs particularly significant? This is a country that knows what it is like to be lacking in independence and under the control of the Soviet Union. Now that the Czechs have won their freedom from the Soviet Union, they want to continue to have freedom without European bureaucracy.

Mr. Evans: My hon. Friend the Member for Poole put his finger on it when he described how a country's history moulds how it thinks and causes it to think in a different way, a more distinct way than the way in which some other countries think. He mentioned Germany in particular, and also France. Given the Czechs' history, they want to protect the hard-fought freedoms that have cost the lives of many of their citizens. They do not take lightly the fact that some peoples, however small they happen to be, have rejected a constitution. If that is the system under which we operate, it is the system under which we should all operate.

Mr. Syms: My hon. Friend should bear it in mind that the Czechs were part of the Austro-Hungarian empire, which was a multicultural, multinational state under the Habsburgs. They spent a long time breaking away from that, after which they came under the influence of the communists. They have a considerable history of trying to ensure their own independence.

Mr. Evans: That is why the Bill is so important. It can at least start to put into some form of context the costs, which clearly exist, and the benefits, which clearly exist as well. It informs the debate. It does not necessarily mean that when we receive the commission's account, even if there is a net cost to the United Kingdom—which I understand that there is—we will all say "Let's pull out." I think that what many of the peoples throughout the European Union want is reform. They want the European institutions to become more accountable and more representative of themselves. I suspect that we are not alone in wanting the sovereign Parliaments of member states to be properly recognised and respected, and in wanting to be allowed to do our job rather than having our powers siphoned away—not just by this treaty, but by successive treaties—in a way that dilutes our ability fully and properly to represent the people who send us here.

That could not be demonstrated better than by José Manuel Barroso. Whenever I mention his name in a pub, I add, "If he walked in here now, how many people would recognise him?" The chances are that not many would. If he walked into the Swan with Two Necks, I would buy him a pint of Guinness, but I think I would be the only one to recognise him—yet this man is incredibly powerful.

When José Manuel Barroso met the Prime Minister yesterday, he said that he wished to thank the British Government for the fact that the constitutional treaty was being ratified. I thought "That is absolutely right: don't thank the British people, because the British people haven't been consulted, and every poll shows that had they been consulted, they would have voted no." I felt that Barroso was absolutely right to thank the Prime Minister for ensuring that the British people were not consulted. I also find it slightly ironic that two days after the Irish people voted no, the unelected Chamber at Westminster decided not to reflect on the Irish decision but to give its endorsement.

Mr. Francois: On a point of order, Mr. Deputy Speaker. I apologise for interrupting my hon. Friend's speech, but I have just been notified that Lord Justice Richards, who sits in the High Court, issued a statement a few minutes ago, saying that he was "very surprised" that the Government were proceeding with ratification of the Lisbon treaty when the case brought by Mr. Stuart Wheeler before him demanding the referendum that the Government promised in their manifesto had not yet been determined by the court. Moreover, he has asked that the Government "stay their hand voluntarily" until he has been given an opportunity to deliver judgment on this extremely important matter. As we have a Foreign Office Minister in the House this morning, may I ask whether you have received any indication, Mr. Deputy Speaker, that the Foreign Office intends to make a statement to the House replying to an important announcement made by a judge in the High Court that affects the future of this country?

Mr. Davey: Further to that point of order, Mr. Deputy Speaker. I think it vital for the Government to make it clear that they will not deposit the instrument of ratification of articles in the treaty in Rome until they have heard the outcome of the Stuart Wheeler case. To do otherwise would seem to me to be going against due process and flouting the courts. I speak, as you know, Mr. Deputy Speaker, as someone who supports the Lisbon treaty, but we must uphold the rules of the game—the rules of

[Mr. Davey]

law—and it would be wrong to see the instrument of ratification in Rome before we have heard the outcome of that case.

Mr. Deputy Speaker: I am sure that the House appreciates that I have had no notification of this whatever—I did not even know of the information that the hon. Member for Rayleigh (Mr. Francois) has just imparted to the House. It is very new, and I have had no indication that any Minister intends to make a statement on it. It is not, strictly speaking, a matter for the Chair, but the hon. Gentleman has made his points and they are on the record—although they do not, of course, directly relate to the business before the House.

Mr. Francois: Further to that point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: I think that I have dealt adequately with that point of order; we ought to move on. I call Mr. Nigel Evans.

Mr. Evans: That is an historic intervention into today's proceedings, and I am grateful to my hon. Friend the Member for Rayleigh (Mr. Francois) for bringing the matter to the attention of the House, and to the Liberal Democrats for making their position absolutely clear. The Government have another couple of hours, and I hope that a Minister can come to the Dispatch Box today to make a statement on what they intend to do. As I understand it, the Queen gave the legislation Royal Assent yesterday in order that it should become British law, but the fact is that if it has yet to be deposited in Rome, it is not properly ratified. Therefore, the procedure of not doing that until we have the outcome of that case is vital.

Mr. Francois *rose—*

Mr. Deputy Speaker: Order. I fear that we are now embarking on a different debate, and I should be grateful if the hon. Gentleman resisted the overtures that he is getting from other Members and continued with the Bill before the House.

Mr. Evans: Of course, Mr. Deputy Speaker, we will obey your guidance, but I suspect that it is the dislocation that is relevant to the Bill under discussion. When Ministers act outside of the law in order to progress a matter that they think vital, as clearly they think the European project is, this Bill is more necessary than ever. It is pointless—

Mr. Davey: The audit would have to take account of all aspects of different treaties that govern the European Union. Whether the Lisbon treaty comes into effect because the proper ratification process occurs and an instrument of ratification is, in due course, after the Wheeler case, deposited in Rome, or whether it does not come into effect, this audit—this Bill—will have to judge the scenario that emerges. Can the hon. Gentleman confirm that the ratification processes, as we have always argued, require this final step of the depositing of the instrument of ratification?

Mr. Evans: This is why we need a Minister here—somebody who is clearly expert in the matter. If the Minister present intervened on me to clarify the position on this issue, which is relevant and pertinent to what we are discussing today, we would be absolutely gripped and I should be delighted to listen to what she has to say on whether the Government do now intend not to place the Act in Rome, so that it is not properly ratified until after the court case. *[Interruption.]* All right—we will just have to wait until she feels it appropriate to do that, or until the Government bring somebody here to answer those questions.

Mr. Chope: Does my hon. Friend accept that this episode falls four-square within the provisions of clause 2(c), which refers to the need for the commission that the Bill would set up to take into account

"the impact of membership on the UK's...constitutional arrangements"?

Here, we are talking about the ratification process that is potentially bypassing Parliament.

Mr. Evans: Absolutely, and that is why the matter is within the remit of this Bill, and why I hope that a Minister will come here as quickly as possible to clarify the Government's position on the very important statement brought to our attention today by my hon. Friend the Member for Rayleigh.

On costs and benefits, every analysis that I have read leads me to believe that there are net costs of the UK's being part of the European Union. I accept the comment made by the hon. Member for Kingston and Surbiton that if we were to withdraw—I do not believe that the vast majority of British people want to withdraw; they just want reform—not all the costs that we associate with being a member of the EU would be saved, because other costs would be involved. We were given the famous strawberry example in respect of regulations that would doubtless be introduced, or merely adopted, and I suspect that many of the regulations that we observe as a member of the EU would still be observed if we were not a member, because that would be a convenient way of doing things. A number of other countries, including Norway, observe many European Union rules and regulations, even though they are outside it.

Mr. Davey: Just for clarification, may I say that not only does Norway have to abide by regulations that it has not been able to influence but it pays the European Union money for access to markets? So, some costs would still fall on the UK if it were to pull out of the European Union and take on the status of a Norway.

Mr. Evans: That is right. Not only Norway but Switzerland and a number of other countries that want access to the EU markets pay voluntarily. I understand that the Swiss even had a referendum on paying substantial sums to the EU, and the Swiss people voted in favour. That came as a bit of a surprise to me, but it just shows how important trading is to that country.

Even when we talk about how much it costs to be a member of the EU, it is appropriate to mention that the cost would be that much higher had it not been for Margaret Thatcher. She went to Brussels and did what we were told was impossible—she secured the rebate. She got a substantial sum paid back to the United

Kingdom because we were paying way more than what the vast majority of people thought was reasonable. The sad thing is that some of that rebate has been frittered away by Tony Blair, and I cannot see exactly what we have got back in exchange. This particular audit would demonstrate exactly what the true costs were.

Mr. Chope: Does my hon. Friend accept that notwithstanding the money that Norway has to pay, the gross domestic product per capita in Norway is 87 per cent. higher than it is in the EU as a whole?

Mr. Evans: That is important to mention when people say that the UK could never survive outside the European Union. It is a bit like the argument made by my hon. Friend the Member for Poole. We were told that if we did not join the euro, it would be a disaster and the City would collapse, but of course that did not happen. Norway is a perfect example of a country that is able to live a prosperous existence within the world, although it is not a member of the European Union—it shows no signs of wanting to be either.

Mr. Davey: The hon. Gentleman is right to reply to the hon. Member for Christchurch (Mr. Chope) by saying that Norway is a very wealthy country, but for the record, will he admit to the House that Norway has far greater oil and gas reserves per capita than any other European country? Its reserves are certainly far greater than any country in the European Union.

Mr. Evans: What a lucky country in many ways. Norway is not a member of the EU, and it has all those reserves—well done Norway.

Mr. Chope: Will my hon. Friend congratulate Norway on having substantial fish reserves as a result of not being involved in the common fisheries policy?

Mr. Evans: I feel somewhat like a post office, or at least like someone who mediates between Liberal Democrat Front Benchers and Conservative Back Benchers. In any case, we congratulate Norway on being a happy, prosperous country. I know some of its politicians, and they do very nicely outside the EU.

After the no vote, President Sarkozy said that we needed to explain Europe better to the peoples. He is right in many ways, but he misses the point, because he does not fully understand that one of the reasons for the Irish no vote was that they understand the EU very well. Everybody remembers the times when for every pound Ireland put in, it got six pounds out. Ireland was very pro the EU then, but that situation has dramatically changed because of the accession of a number of other EU countries. Those new countries are not as prosperous as some of the old traditional EU countries, and therefore some of the money that used to go to Ireland is now going to them. The Irish voted with their eyes open and they knew exactly what they were doing. I suspect that they voted no for several reasons, and I am not about to tell them that they got it wrong. President Sarkozy and the rest of Europe have to listen to what the Irish have said. We cannot force them to have another vote on the same treaty, because they have already made their voices heard. The process provides for 27 countries in unanimity, and I hope that the Minister will confirm that the British Prime Minister will under no circumstances let the Irish down. All 27 countries must support the Lisbon treaty or it falls. The sooner it is pronounced dead, the better.

When we consider the costs and benefits of being a member of the EU, it is a grave mistake for President Sarkozy to make the point that other countries are seeking to join, such as the Balkan states, Turkey, Georgia and perhaps Ukraine, and that that will have to be put on ice. That is an attempt to blackmail countries such as Britain, which is keen to get the EU expanded—I am sure we all think that the more countries are members, the more common sense will prevail, and the project will not be driven by one or two large countries who want to tell everyone else what to do. I hope that President Sarkozy will stop this approach of throwing his toys out of the pram and threatening to spite the rest of Europe by not allowing any other new countries in.

The problem is not only the common agricultural policy, the common fisheries policy or structural funds—the gamut of European spending. A slice of our international trade budget also goes to the EU for it to distribute, so that must also be taken into account. In the past couple of days, we have also seen a push towards a common defence policy, backed up by a common EU armed forces. That would have a huge cost, and if British forces were used in the EU contingent, it would not mean a net saving for us. Those forces would still have to be paid for whether they were part of the EU contingent or within the British armed forces. I disagree with the creation of any such EU force, and it helps to explain why so many people in the EU are distressed by the journey we are now on. We are all told not to miss the train, but it is being driven from the front cab by the elites—the politicians and bureaucrats—and the people have very little influence.

I remember listening to Hans-Gert Pöttering, the President of the European Parliament, when he spoke at the Council of Europe. He said how distressed he was that the changes to the constitution left out the flag and the anthem. Well, that is not much of a sacrifice. It might have distressed him, but it cheered me up no end—

Mr. Francois: At the back of the treaty, there is a declaration signed by many member states that attempts to put the flag and the anthem back in.

Mr. Evans: It is relentless. If the Lisbon treaty is eventually pronounced dead, we need not think that every aspect of it will go away. We can be sure that the midnight oil will be burned in offices in Brussels and elsewhere while faceless, nameless bureaucrats try to work out how they can bring to life aspects of that dead treaty without consulting the people, such as the Irish, whose constitution requires a referendum. That is the dislocation. That is the arrogance. That is why people feel exasperated at the way in which Europe has progressed. Clearly, there are benefits.

Frankly, I think that the Bill concerns a pro-European issue, which will probably alarm my hon. Friend the Member for Christchurch no end. It will offer an opportunity to have a look at the benefits and not just the costs, as I know that newspapers already follow the costs. I pay tribute to Christopher Booker of *The Sunday Telegraph* who, every Sunday, cheers me up and depresses

[Mr. Evans]

me at the same time. He cheers me up because we have a journalist who is prepared to put into print some of the waste and excesses of the EU institutions, bureaucracy and politicians. He depresses me because I get exasperated reading about what the EU is up to. It is important that people such as Christopher Booker are around and can inform us. Once the commission is set up, when the Bill becomes an Act, all the peoples will be better informed. That is all we want, surely. I cannot understand how the Government could oppose that in any way. We want transparency and proper accountability, and I believe that that is what the Bill will introduce.

On cost, I am becoming a little alarmed by the EU drive on biofuels. It is very difficult to put a cost on that, but we all know that food prices are going through the roof. Inflation is way above what the Government say it is. Part of the problem that is causing prices throughout the world to go up is the rush towards biofuels. I have read:

"Europe is considering a 10 per cent. target by 2020."

I thought that a figure of 10 per cent. by 2020 had been agreed, but that quotation is from the *Daily Mail* so it must be true. The article includes a quotation from Kenneth Richter of Friends of the Earth, who said:

"The real problem is the scale of the biofuels targets.

Finding enough land to grow 10 per cent. of Europe's road fuel will be bad for people and bad for wildlife.

Governments must drop these targets and concentrate on cutting fuel use by improving public transport."

I agree with that person. He is an expert. Why are the elites pushing that target time and again?

At every turn we are seeing a move towards what some people want, although they are afraid to say it—a united states of Europe. I do not believe that the people want that.

Mr. Chope: Biofuels were not on the horizon five years ago, but they are now a core part of the potential burdens on the UK economy. Does that not show the need for regular audits rather than having them every 15 years, as the hon. Member for Kingston and Surbiton (Mr. Davey) seems to think would be sufficient?

Mr. Evans: Absolutely. In fact, I was wondering whether the five years proposed by my hon. Friend were perhaps too long to wait. There should be an opportunity for a constant update every year at least and perhaps a more comprehensive analysis every five years. That issue could be smoked out in Committee.

As I mentioned earlier, and although the costs are relatively small compared with the common agricultural policy, the common fisheries policy and some of the huge excessive wastes in the EU, I believe that the proposed procedure will bring out the circus of going between one European Parliament in Brussels and another in Strasbourg. The building of the second European Parliament in Strasbourg was an unnecessary luxury. MEPs go between one Parliament and another once a month with all their papers, some of them in crates that are never opened during the week that they are there but still have to be transported at a phenomenal cost to the EU. That probably demonstrates more clearly than anything how dislocated the EU is from the ordinary peoples. If the cost of that is €100 million—it may be more—I am sure that we would all greatly prefer the MEPs deciding where they want to sit, whether it is Strasbourg or Brussels, going there and staying there. Then, the €100 million saved could be put toward ensuring, for example, that the poorest peoples of Africa got access to clean water and to the drugs that they need to keep them alive.

The fact that MEPs are prepared to squander money in that way is scandalous. It would, I think, be properly exposed in the commission's first report, and the people would have clearer information, so that during election campaigns for the European Parliament, if a candidate knocked on our door—one would have to be pretty lucky or unlucky to have that happen, depending on one's point of view—we would be able to ask, "When you go to the European Parliament in 2009, will you stop the circus travelling between Brussels and Strasbourg, save the money and either give it back to taxpayers or spend it on the poorest sections of society?"

I will sit down now, but before I do, let me say that I hope that the Government will look kindly on the Bill and that we will get it into Committee. There, we will improve it as much as possible before it becomes an Act.

12.41 pm

Mr. Mark Francois (Rayleigh) (Con): Before I comment in detail on the Bill, Madam Deputy Speaker, and as I have a Foreign Office Minister here to respond to the point of order that I raised earlier, I must press the hon. Lady regarding Lord Justice Richards' announcement from his position in the High Court today that he is "very surprised" that the Government intend to ratify the treaty of Lisbon before he has given his judgment in the case brought by Stuart Wheeler. The House has approximately two hours to sit and we are fortunate in having a Foreign Office Minister present. I urge her to make a statement on the Government's position before the House rises. It would be completely unacceptable if the House rose before the Government had given their reaction to that important statement by the judge.

Mr. Davey: The hon. Gentleman may have better information than I. Was the judge told by the Government or their legal representatives that they intend to pursue the ratification by depositing the instrument of ratification?

Madam Deputy Speaker (Sylvia Heal): Order. I must intervene. The Conservative Front-Bench spokesman was replying to the debate. Perhaps he would care to continue.

Mr. Francois: Thank you, Madam Deputy Speaker. I have made my point and the Government are now morally obliged to respond to it.

Mr. Chope: Does my hon. Friend share my regret that the Minister has not intervened to say whether she will be making a statement?

Madam Deputy Speaker: Order. I have ruled on this. At the moment, the shadow Minister for Europe is responding to the debate on the Bill before the House.

Mr. Francois: I say to my hon. Friend that I do not intend to get into a row with the Chair. I simply made the point that we are lucky to have a Foreign Office Minister present. She cannot remain mute about what the judge has just announced.

Turning to the Bill, it was introduced eloquently by my hon. Friend the Member for Christchurch (Mr. Chope). It is clear that he has put considerable work into its preparation. He took a plethora of interventions during his very good opening speech, most of which were generally supportive. One in particular struck me: we were told that a politician—German, I think—had said that 1 million or so people in Ireland could not be allowed to hold up the treaty of Lisbon. To reply to that specific point, it is far more than 1 million. The people of France and the Netherlands—

Madam Deputy Speaker: Order. I am sure that it is a temporary lapse, but I remind the hon. Gentleman that he must face the Chair.

Mr. Francois: I am sorry, Madam Deputy Speaker. The point is so important that I will look you directly in the eye as I make it. The people of France and the Netherlands voted against the EU constitution, which as the former Irish Taoiseach Bertie Ahern, acknowledged was 90 per cent. the same as the treaty of Lisbon, so in fact 21 million people have voted in referendums against the European constitution and the treaty of Lisbon, which is the constitution by another name. The argument that we are talking about only 1 million people in Ireland holds no water.

I regret the fact that, throughout our debate on this important Bill about the considerable amount of money that we pay to the European Union, not a single Labour Back Bencher has sat in the Chamber, although the Minister and a Government Whip are here. That is indicative of the Labour party's increasingly supine attitude to the British national interest with regard to Europe. Today was yet one more example of the attitude that we have seen the Government take in the past few months.

My hon. Friend the Member for Gainsborough (Mr. Leigh) gave a very good speech. He courteously offered his apologies to the House for the fact that he could not remain for the winding-up speeches as he had a meeting with the chief executive of the Driving Standards Agency to try to save a test centre in his constituency. As I have been involved in a campaign to save a test centre in Southend, I wish him all the best—

Madam Deputy Speaker: Order. We accepted the apologies of the hon. Member for Gainsborough (Mr. Leigh); perhaps the hon. Member for Rayleigh (Mr. Francois) will now respond to the debate.

Mr. Francois: Yes, Madam Deputy Speaker. I was just wishing my hon. Friend the Member for Gainsborough luck, basically. He gave a knowledgeable speech on efforts to combat fraud, both in the European Union, and in the UK as a component part of the European Union. As Chairman of the Public Accounts Committee, he has spent a great deal of time looking into the issue in detail, and his speech was an important contribution to the debate.

We then heard from the Liberal Democrat spokesman, the hon. Member for Kingston and Surbiton (Mr. Davey). I confess that I have not read the pamphlet that he mentioned on parliamentary control of the budget; I hope that he will forgive me for that. He spent about half an hour discussing in detail the provisions of the Bill, and we thank him for his speech. My hon. Friend the Member for Poole (Mr. Syms) made a number of points about the history and evolution of the European Union, and I took careful note of them. We also heard from my hon. Friend the Member for Ribble Valley (Mr. Evans), who described himself as a bitter man. I think that he was referring to what he drinks, rather than to his character. Certainly, no bitterness was evidenced in his speech. So, there have been a number of good contributions on the Bill today.

The Bill seeks to establish a committee of seven members to inquire into the costs and benefits of Britain's continued membership of the European Union, with regard to the economy, national security, defence and the constitution. The committee would report back to the Chancellor of the Exchequer and, through him, to Parliament, in a manner that would allow for scrutiny by the National Audit Office. That is quite an interesting idea for a number of reasons.

First, the EU accounts for a large and growing amount of money spent by our taxpayers, and that spending needs to be scrutinised properly. Secondly, as any small businessman can attest, a growing amount of red tape and bureaucracy comes from the European Union, and it needs to be controlled. Helping to quantify it, not least in financial terms, would be a good first step in undertaking that process.

The United Kingdom is the second largest net contributor to the European Union after Germany. We made a gross contribution of £8.5 billion in 2006. Even allowing for European Union spending in the UK, we still made a net contribution of £2.9 billion in 2006; I hope that we would all agree that that is a significant amount of money. The Liberal Democrat spokesman challenged me on whether the figure was not actually higher. To clear things up, I was using the 2006 contribution figure included in the NAO's April 2008 report "Financial Management in the European Union", but I understand that the figure has increased since then. In addition, the calculation is complicated by the fact that one may use current or historical exchange rates. However, I think that we can all agree that the UK's contribution is now in excess of £3 billion. The figure is rising, and it will rise further because of the Government's poor negotiations, which led to reductions to the UK rebate.

Mr. Davey: I was reading from a House of Commons Library note prepared for this debate. It quotes a Treasury source, "European Union Finances", which was last published in May 2007, and which gives for 2007 a net contribution figure for the UK of £4.699 billion.

Mr. Francois: I thank the hon. Gentleman for his clarification. As he knows, Members hardly ever challenge Library figures; we generally regard them as authoritative. From what he has said, I think we can agree that the figure for 2006 was about £3 billion and the figure for 2007 was in excess of £4 billion—and I reiterate the point that because of the reduction in the EU rebate, that net contribution per annum is likely to increase still further.

[Mr. Francois]

That is an important point to make. We had thought that the budget rebate won at Fontainebleau in 1984 by Margaret Thatcher was safe, not least because the former Prime Minister, Tony Blair, said very clearly in 2005:

"The UK rebate will remain and we will not negotiate it away. Period." [*Official Report*, 8 June 2005; Vol. 434, c. 1234.]

He said that at Prime Minister's questions in response to a question from my hon. Friend the Member for West Chelmsford (Mr. Burns), who has been present for part of our debate this morning. Unfortunately, however, like many of that former Prime Minister's sayings, that did not stand the test of time. Within a year, the Government had agreed to sign away £7.2 billion of British taxpayers' money in return for a non-binding commitment to have a review of the common agricultural policy. Therefore, one area this Bill should allow to be investigated in detail is the former Prime Minister's surrender of our rebate, since endorsed by the new Prime Minister, and whether that represented value for money for our taxpayers. I am of the clear opinion that it did not.

However, the EU is more than just a balance sheet of payments and receipts. The main advantage the UK gains from the EU is access to the single market. We benefit both in terms of access to continental markets and from the foreign investment that comes here in order to benefit from our place in the market. However, access to the market comes with the price of regulation, and that cost has been rising. The British Chambers of Commerce "burdens barometer", which measures the cost of regulation to business, has shown that the cost of regulation to British business is now £66 billion a year, compared with an estimated cost of £10 million in 2001. A large proportion of that has been caused by EU regulation, and in particular the estimated £1.8 billion cost of the working time directive—that issue has been raised a number of times in this House. One benefit of an audit of the costs and benefits of our EU membership could be to highlight where the Government are failing to reduce the costs to British business, and thus give a much-needed impetus to reform.

Mr. Chope: Does my hon. Friend agree that one of the issues the commission under the Bill could look at is the costs to the UK of judge-made law in the European Court of Justice? Everybody—including the Prime Minister at the time, John Major—thought that we had secured an opt-out from the social chapter, but then we found that article 118 of the treaty establishing the European Community was being used to undermine that opt-out.

Mr. Francois: My hon. Friend makes a good point. I am sure that the commission proposed under the Bill would want to take into account the effect of jurisprudence in terms of costs on British business, although ultimately that would be a matter for the commission itself.

Unfortunately, in many areas the reform agenda in Europe is going backwards, notably in the area of competition. Under French pressure, not only has energy unbundling faltered, thereby failing to deliver the lower energy prices consumers across Europe desperately demand—not least at present—but the wording of the treaty of Lisbon relating to competition has been so downgraded that further liberalisation is in danger. This is yet another reason to thank the good people of Ireland for voting against it.

The common agricultural policy would also benefit from an audit of benefits and costs. This country has repeatedly said it wishes to reform the CAP. The Prime Minister has stated:

"Let us seek to make the excesses of the CAP history."

However, he has done very little in practice to push that forward, other than to use warm words. The cost of the CAP to farmers and consumers in this country would be an obvious area in which the commission would want to undertake much detailed work.

The Bill does not provide for the commission to cover in detail the benefits or otherwise of the Lisbon treaty itself. However, others have tried to sum up its effect on business. A writer in the business comment section of *The Independent* on 15 June said of the Irish no vote:

"I think that short-term the effect will be small but long-term it may turn out to be beneficial not just for Ireland but for the European Union economy as a whole."

Such objective analysis of the damage that the Lisbon treaty would do to business might help inform the Government and perhaps help them come to the correct decision, which is to scrap the treaty for good. In a simple phrase—

Madam Deputy Speaker: Order. We are not actually debating the Lisbon treaty but the Bill that is currently before the House.

Mr. Francois: Thank you, Madam Deputy Speaker. We believe that Lisbon is dead, but if somehow it were to be revived, it would have costs for British business.

Madam Deputy Speaker: Order. I have already ruled that we are not debating the Lisbon treaty but the Bill that is currently before the House.

Mr. Francois: So, in conclusion, Madam Deputy Speaker, there is much that is worthy of support in the Bill, not least because it raises the question of whether certain benefits of EU membership are quantifiable. For instance, how can we quantify the benefits of working together to tackle environmental problems such as climate change, or intergovernmentally on foreign policy issues, such as responding to Iran's nuclear weapons programme or in respect of Russia's relations with its neighbours? Can we quantify the benefits of enlargement and its help in rooting democracy and the rule of law throughout the continent? Those questions could be discussed in considerable detail in Committee and, if the Bill were to become law, ultimately by the commission itself.

Finally, this country pays a great deal of money in net terms to the European Union. Not all of that money is well spent; some of it is subject to fraud. Perhaps it is about time that that was audited in more detail, so that the British people could take a calculated look at how the money is spent and at the scale of their contribution. In that respect, I hope that the Minister will be able to support the Bill.

12.57 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Meg Munn): I am pleased to respond on behalf of the Government to what has been a wide-ranging debate. It has contained the usual

hyperbole that we hear from Opposition Members when they get talking about the European Union, and a great deal of claims have been made for the process in the Bill.

When I read the detail of the Bill, I was somewhat surprised. First, I am not sure how the Bill's suggested commission would do its job. We have explored in detail the problems with it. Most notably, the hon. Member for Kingston and Surbiton (Mr. Davey), who speaks for the Liberal Democrats, raised some issues, and I shall return to them in due course. I am also intrigued by the proposed process: how the commission—the committee of inquiry—would be set up, its costs, and why Opposition Members seem so wedded to such a bureaucratic process for something that could be extremely wide-ranging and take a considerable amount of time.

The Government strongly believe that the benefits of European Union membership clearly outweigh the costs. I am delighted to be able to set out in more detail some of the reasons why and, in doing so, to demonstrate why I believe that such a committee would face an impossible task, as was ably demonstrated this morning.

UK membership of the European Union is central to the pursuit of stability, growth and employment. It is firmly in our national interests, both economically and in a wider political and strategic context. Our membership of the European Union has brought real benefits in jobs, peace and security. Through it, we belong to the world's biggest trading bloc, with a single market of more than 490 million people. It is a unique organisation that is looked at from around the world with great interest. With the development of regional organisations in other parts of the world, people are looking to the European Union, not necessarily to follow exactly the same route, but because they are interested in the wide range of benefits that come from co-operating with one's immediate neighbours.

Half the UK's trade is now within the European Union, with an estimated 3.5 million British jobs linked to it directly and indirectly. Fifty-seven per cent. of total British trade in goods is with the European Union, and 53 per cent. of our total exports go to the European Union. In 2005, British investment in the European Union totalled over £17 billion. However, the benefits are not limited to the rights of British companies to buy and sell across the single market. Our European Union membership allows our citizens to live, work, study and travel across Europe and entitles us to receive free medical care if we fall sick on holiday. These are all clearly benefits, and it would be interesting to understand in more detail how such a committee of inquiry would begin to quantify them.

We know that many Opposition Members have for a long time opposed the benefits that have accrued to our citizens through the social chapter; indeed, it has been reiterated this morning that the Opposition intend to pull out of it. The social chapter initially brought about the improved maternity benefits for women in the United Kingdom; before it came in, we were in a parlous state. I am delighted to say that this Government have gone a great deal further, not only on maternity benefits but on paternity benefits. Those benefits would need to be quantified as well. The right to paid holidays is enormously important, but was not seen as such by the Opposition when they were in power. The hon. Member for Kingston and Surbiton referred to the reduction in the cost of mobile phone calls when abroad. These are just a few of the practical benefits that the European Union has helped to deliver.

Mr. Francois: May I refer the Minister to the Bill? If she looks at clause 2, she will see that the terms of reference would include

"national security and defence, and…constitutional arrangements".

As a Foreign Office Minister, she will know that national security and defence are fundamentally altered by article 28 of the Lisbon treaty. As the time has just turned 1 o'clock, can she tell us if she will be making a statement to this House, and if not, why not?

Madam Deputy Speaker: Order. I have already ruled on that. A point of order was raised with the previous occupant of the Chair, and a response was given.

Meg Munn: As consumers, we also benefit from competition across the single market. The European Union outlaws price fixing and stops companies agreeing with each other to restrict competition. Is that an issue that the committee would look into? Cartels in industries as diverse as vitamins, banking, airlines and energy have been examined by the European Union in recent years to ensure that the benefits of the single market are passed on to consumers.

Mr. Chope: On a point of order, Madam Deputy Speaker. I am sorry, but I am a bit confused. I drafted this Bill and presented it to the House, and it is called the European Union (Audit of Benefits and Costs of UK Membership) Bill. In my opening remarks, I quoted a paragraph from last week's article in *The Sunday Telegraph* headed, "If the EU will not listen, it risks popular revolt". Do I understand rightly the ruling that you made in response to the intervention by my hon. Friend the Member for Rayleigh (Mr. Francois)? Is it not possible to discuss anything under the terms of my Bill that is related to the treaty of Lisbon and its implementation, notwithstanding the fact that now that the treaty has been approved by the House, it must be regarded as a potential benefit or cost of the United Kingdom's membership of the European Union?

Madam Deputy Speaker: The comment that I made was actually in connection with the furtherance of a point of order that had been raised and then dealt with by the previous occupant of the Chair. I stand by it. If a Minister is to come to the Dispatch Box and make any comment about anything that may have happened in some other place, I am sure that the Chair will be notified and that that will be passed to Back Benchers.

Meg Munn: Thank you, Madam Deputy Speaker.

I was talking about the benefits to consumers, and I wanted to say a little more about trade. British firms are benefiting significantly from the enlargement of the EU. Exports to the 10 countries that joined in 2004 rose from £4.6 billion then to nearly £8 billion in 2006. That represents almost a doubling in just two years—not quite, but a significant change.

In the Government's view, it is unlikely that those benefits would be available to the UK on the same terms, or even more favourable terms, if we were to leave the EU and negotiate our own deal from outside.

[Meg Munn]

British goods would be subject to customs controls, and we would need export certificates and certificates of origin for our goods. Tariffs would be payable on some of our goods, and our agricultural exports would be subject to them. The abolition of customs duties has saved British businesses an estimated £135 million a year. We know, as has been discussed in the debate, that businesses have concerns about red tape and regulation. I shall say a little more about that later, but we can see from the case that I have mentioned that the bureaucratic problems that would otherwise go with trading no longer exist, because we are in the single market.

Of course, hon. Members are quite right that we could no doubt negotiate some access to the single market for our goods and services. We know that that is what Norway and Switzerland have done, and a number of hon. Members have mentioned them. However, we are not Norway or Switzerland. We have one of the largest economies in the world, and it is bigger and more diverse.

We should be clear about the likely terms of such a deal. We would have to accept many of the EU laws that govern the operation of the single market to ensure access for our goods and services. Indeed, Norway and Switzerland have to accept them. A regularly quoted figure is that Norway accepts 85 per cent. of single market legislation. Of course, it is not party to the negotiations at which the content of those laws is decided. Whether to agree a deal with the EU along the lines of the Norwegian or Swiss model would be for the UK to decide, but the terms of the deal would have to be agreed by every remaining member state. That is not a route that I want this country to go down.

Mr. Chope: The Minister has spoken for a long time about the benefits of EU membership. Will she come to what she sees as its costs?

Meg Munn: The hon. Gentleman spoke for a long time, as did many hon. Members. I have plenty to say, and I have no doubt that he will sit here throughout as we talk about the matter. We could discuss what we think are the various costs, and we have already identified the financial contribution that we make. I am happy to debate in greater detail what he sees as the costs. However, at this point, it is enormously important that I put on record what the Government believe, and are able to demonstrate, are the benefits of EU membership.

Mr. Chope: I hear what the Minister says about the benefits, but why is she so reluctant to have an independent audit to see whether her assessment of those benefits is correct?

Meg Munn: I thought that I was quite clear and up front. I did not want to keep hon. Members waiting in suspense to hear what the Government's position is. We can see no benefit—indeed, we can see lots of costs—to setting up an inquiry, and then having the report of a commission, into what we are discussing today. I honestly struggle to see how an inquiry could accurately quantify the wide range of issues that we have debated, and I shall be happy to talk about that a little later.

Like many other hon. Members present, I thought that the hon. Member for Gainsborough (Mr. Leigh) made an extremely interesting contribution about the financial aspects and the need for better auditing, transparency and accountability. I will say a little more about that later. I have absolutely no problem with the assessment of how we spend our money or with looking into a wide range of issues relating to the European Union. Indeed, the information that I am providing today demonstrates that a great deal of work is already being done to assess the benefits and the costs of European Union membership.

However, I am arguing that the mechanism that the hon. Member for Christchurch (Mr. Chope) proposes is not the right way to do that, and that the costs and the bureaucracy involved are not things that we should support. In addition, I question, as have other hon. Members, how such a mechanism could effectively do the job that the hon. Gentleman has set out, because there are not only so many tangible benefits—for example, we talked about the peace that now exists in Europe, which all of us welcome—but many intangible benefits from being part of the European Union.

I want to focus in more detail on the trade benefits of European Union membership. In 2006, British companies exported about £150 billion worth of goods to European Union countries. Exports from the UK service sector to the EU—we know that that sector is an enormously important part of our economy—were worth more than £45 billion in 2005, which is an increase from £30 billion in 1995. Year on year, decade on decade, we see increasing growth in those areas, which benefits our economy. Approximately 70 per cent. of UK employment is in services. Economic analysts estimate that the services directive could be worth approximately £5 billion annually to the UK economy and could deliver around 600,000 new jobs.

Mr. Davey *indicated assent.*

Meg Munn: I am glad that the hon. Gentleman, like me, sees that as impressive. Exports to Poland alone rose between by 89 per cent. between 2003 and 2006, which coincided with Poland's accession in May 2004. The hon. Member for, I think, Poole (Mr. Syms)—a number of hon. Members from the south coast are in the Chamber, so I am trying to get the right place—talked about Polish people in the UK. Exports and trade are important, but there are much wider benefits from the contact between us and the Polish people who came here and are now returning to Poland, where the benefits of being in the European Union are only too visible.

That 89 per cent. increase in exports between 2003 and 2006 compares with an increase over the previous three years of only 11 per cent. We can therefore see that the benefits for our companies up and down the country of having access to those markets have been huge over time.

As I have already said, the abolition of customs duties has given a tremendous bonus to British businesses—an estimated £135 million a year. Before the frontiers came down, the tax system alone required 60 million customs clearance documents annually. They are no longer needed. Opposition Members are always talking about the need to reduce bureaucracy, paperwork

and form filling. That not only saves people's time; it is also good for the environment that 60 million fewer documents are now required.

Mr. Chope: The Minister is talking about 60 million documents for all UK trade, but, to put that in context, 1 million documents will have to be produced by the House in response to freedom of information requests to Members of Parliament.

Meg Munn: The hon. Gentleman is tempting me into a discussion on freedom of information requests to Members of Parliament, but I am sure that you would have a view on that, Madam Deputy Speaker. I certainly have a view on the subject, but I am not going to enter into that debate today.

Membership of the European Union also brings benefits for the UK when negotiating external trade agreements. As the world's largest trading bloc, the European Union has a leading role in World Trade Organisation negotiations. By negotiating with a single voice, the EU can make a stronger contribution to global trade negotiations than each member state could on its own.

People are concerned, quite rightly, about administrative burdens. It was therefore welcome that, at the spring Council last year, European Union leaders agreed to cut administrative burdens arising from EU legislation by 25 per cent. by 2012. That could be worth £150 million in efficiency savings.

Mr. Chope: Can the Minister give us a progress report on how much has been saved so far?

Meg Munn: I cannot, at this point in time. However, I would be very happy to look into the details. I should like to clarify for the hon. Gentleman that I am in no way against his desire to understand the benefits, or the costs, of the European Union. Debates about the European Union are important. Indeed, we have had a great many of them recently—even this week. I have absolutely no problem with that. My concern is that the mechanism that he is proposing is bureaucratic and unlikely to be able to fulfil the tasks that he would like it to fulfil. However, I am sure that we can return to the issue of how far we have got with the savings on administrative burdens. The aim is to cut those burdens by 25 per cent. by 2012. We shall need a process for monitoring how far we have gone towards reaching that target. So far, we are only a year into what will be a five-year process.

Mr. Chope: The Minister will have heard the hon. Member for Kingston and Surbiton (Mr. Davey) drawing a comparison between my Bill and the Stern report. That report covered issues that will stretch almost a century ahead in relation to global climate change and its impact on our economy. Is she saying that it is possible to calculate all that and publish it in the form of a report, but that it is not possible to produce a report on the simple issue of the costs and benefits of our membership of the European Union?

Meg Munn: There we have the problem, and the fundamental basis of our disagreement. The hon. Gentleman says that this is a simple issue, but I am arguing that it is not, because of the wide range of benefits involved, even within the three areas that he has set out for the commission to look at. Of course, the Stern report looked into the environment and had much to deal with. There could well be early agreement on what constitutes climate change and associated issues, but what I am arguing is that the economic, national security and defence benefits of EU are extremely wide-ranging.

Let me make some more progress and discuss trade issues. EU anti-trust laws prohibit activities that stifle competition in Europe, and the Commission is upping its game. In February 2007, it imposed a record fine of €992 million on four lift manufacturers for price fixing. That was followed in April by the break-up of a cartel operated by Heineken, Grolsch and Bavaria brewers. I am sure that the hon. Member for Ribble Valley (Mr. Evans), who demonstrated his interest in beers earlier today, would think that that was a good thing. Hon. Members have asked about the effectiveness of the EU in respect of a wide range of matters, so here is one area where we can see that action is indeed being taken.

Let us look in more detail into the issues surrounding investment to and from the UK. In 2005, British companies invested €25.8 billion in the EU, up from €17.1 billion on the year before. In 2005, the 25 EU member states, as they were then, received €70 billion in foreign direct investment from outside the EU. Of that, the UK received 24 per cent. That is a further demonstration of what I am saying about the real benefits not just for the UK, but for the whole of Europe in its trading with the wider world. Also in 2005, foreign direct investment inflows into the UK from the EU 25 amounted in and of themselves to €115.4 billion.

The EU is unique in providing a forum in which member countries can share best practice and learn from others' experiences, helping to ensure that European businesses can compete effectively in global markets and develop the right infrastructure for a successful modern economy.

In 2006, the UK had a trade deficit with the EU of £11 billion or 3.5 per cent. of total trade. With non-EU countries, however, the trade deficit was £84 billion, or 21 per cent. of total trade. We can see that a great deal of trade is going on.

Let me deal with the issue of better regulation, which was raised by a number of hon. Members who were particularly concerned about it, including the hon. Member for Stone (Mr. Cash), who at this moment is probably seeing his nephew get married. As I have already demonstrated, the UK Government are, of course, committed to reducing any unnecessary burdens on businesses, charities and the voluntary sector that arise from EU directives and regulations. We are seeking to enshrine the principles of better regulation, which we are working so hard on for our national legislation, across the work of EU institutions. Those principles are proportionality, accountability, consistency, transparency and targeting.

Our aim is not to reduce social and environmental protections. Hon. Members will already have noted that I am keen on those and want to them to continue in Europe. The Government, unlike the Opposition on the social chapter, are firmly committed to such protections and we want to ensure that we do not lose them through deregulation. We want to get rid of unnecessary

[Meg Munn]

bureaucracy, which stifles European business, and to remove, recast or modify outdated policies and laws that no longer serve their purpose.

With the strong support of the UK Government, the current European Commission has shown real commitment to improving the quality of European regulation. I can give some examples of significant progress. An EU-wide commitment could cut red tape resulting from EU law by 25 per cent. by 2012. A detailed five-year programme aims to save businesses across the EU £100 billion by 2012 by rationalising rules that generate paperwork. New EU draft legislation is now subject to an impact assessment process, and since 2003 the European Commission has completed 284 impact assessments. Proposals that have been rejected on the basis of cost-benefit analyses include an EU witness protection law and a new law on voting rights for shareholders.

The hon. Members for Kingston and Surbiton and for Gainsborough (Mr. Leigh) discussed the budget process earlier. Surely all Members would agree that it is better to consider the costs and benefits of EU legislation before, rather than after, something happens.

The European Commission has a rolling programme to simplify and modernise existing European Union legislation, and I expect it to command general support. The Commission has already proposed or adopted 92 simplification measures, and will present 45 new measures in 2008. Examples include simpler packaging rules: pre-packaging requirements applying to some 70 consumer products have been repealed. The rules for the registering and selling of motor vehicles in the European Union have been simplified, while maintaining safety standards. Again, I expect that to command all Members' support. A more efficient and competitive payments market will make cross-border financial payments as easy, cheap and secure as payments within a member state.

Mr. Chope: The Minister has spent half an hour talking about the benefits of United Kingdom membership of the European Union, but has not yet got on to the issue of the costs, which was addressed by my hon. Friend the Member for Rayleigh (Mr. Francois). When will she deal with the costs, or does she deny that there are any?

Meg Munn: Of course not. I am sorry that the hon. Gentleman has not been listening closely to my speech. If he had been listening just now, he would know that I recognise that the regulation involves costs. I made it clear, however, that the Government wants those costs to be reduced. We support steps that have been taken to reduce them, and will continue to do so.

I feel that the issues raised by the hon. Member for Gainsborough, who is sadly unable to be present at this point, are worthy of a rather more detailed response. He dealt with the issue of the accounts in great detail, and it is right for that issue to concern us. The United Kingdom has always been determined to ensure that European Union funds are used properly and efficiently. We were instrumental in setting up the EU's anti-fraud office, and strongly supported the establishment of the European Commission's internal audit service as an independent unit. The financial rules have also been strengthened following the introduction in 2003 of a new financial regulation, amended in 2007, which sets out clear rules for officials who are able to authorise spending. They are similar to the rules for accounting officers in the UK.

As the hon. Member for Kingston and Surbiton pointed out, much of the European Court of Auditors' difficulty in providing a positive statement of assurance arises from areas of spending that are managed jointly by the European Commission and member states. In 2006, that amounted to nearly 80 per cent. of European Union budget spending. The UK will continue to press member states, as well as the Commission, to take further action in supporting sound implementation of the Commission's budget. We are determined to take the lead in demonstrating how European Union funds can be managed to the highest standard.

I have spent a while concentrating on economic benefits, but before I finish I want to talk a little about national security and defence, to which the Bill refers. European Union co-operation is also vital in the field of justice and home affairs: working with EU partners on issues such as terrorism, illegal migration and organised crime provides a real opportunity to improve the security of UK citizens.

Mr. Evans: We are not part of the United States of America, but we co-operate with it on all those issues, as well. Before the Minister finishes, can she at least say something about the balance of costs versus benefits as far as she sees the EU?

Meg Munn: I will certainly try to do that. On the benefit of the European Union as opposed to, say, co-operation with the United States, the European arrest warrant has shown its worth. It was agreed in 2004 and was used to extradite Hussain Osman, one of those who attempted to bomb the London underground on 21 July 2005, to the UK from Italy within weeks. I think that the hon. Gentleman would see that as a positive thing, and it was a significant improvement on previous procedures.

The UK and Ireland play a proactive role with other member states in working to tackle illegal immigration and abuse of the asylum system. Member nations are also co-ordinating the co-operation of police and courts to pursue criminals across the EU and enforce penalties imposed on them.

Enlargement has made Europe more secure and more prosperous. The enlargement process promotes democracy, the rule of law and respect for human rights in candidate countries, and the EU is already driving positive change beyond its borders, for example, in Ukraine. By negotiating with a single voice on trade, the EU can make a stronger contribution to global trade negotiations than each member state could alone. We believe that that gives us a stronger voice in the world.

The hon. Member for Ribble Valley asked how that affects our situation in relation to the US. The fact that the EU can speak together is really important. As I said earlier, I think that we will increasingly see regional groupings coming together around the world over the next few years. Working with our neighbours, thereby being able to speak to other regional blocs, is a way to achieve a securer and stronger world.

I want to mention the importance of EU funds in supporting many poorer regions in the UK. Such programmes work through direct spending on transport and other infrastructure, and on training people and helping them to learn new skills. I have seen this over many years in my own constituency of Sheffield, Heeley and throughout south Yorkshire; however, it has benefited not just those areas but Northern Ireland, the highlands and islands of Scotland, Cornwall and the Scilly Isles, Merseyside, west Wales and the valleys. Many well-known projects, such as Cornwall's Eden project, have been assisted by EU aid. I hope that Members recognise the importance of that, and see that it is yet another area that such a commission and report would need to cover.

Members might also not be aware of the importance of EU funds to overseas territories. As the Minister with responsibility for overseas territories, I increasingly see projects that are of great benefit to those territories. Indeed, for some of them they can really make the difference between viability and their continuing to need aid and support from the UK Government, thereby continuing to be a cost to and a drain on our citizens.

Hon. Members were concerned about the situation in relation to the judicial review of the Lisbon treaty. I can tell them that my right hon. Friend the Prime Minister will make a statement to the House on Monday, following the European Council discussion, and there will be ample opportunity for them to raise this issue. The way forward on the Lisbon treaty is, of course, an important issue, and it is being discussed at the European Council in Brussels.

I could say a great deal more. For example, I have not spoken about the importance of peace, which the hon. Member for Kingston and Surbiton discussed. I grew up with a great deal of understanding about peace. In my household, I was brought up to understand the benefits of the countries of Europe no longer being at war with each other. Other greatly important things include the freedom to move about; the ability to buy properties overseas more easily; and the benefits for our citizens from overseas territories.

Finally, the Government strongly believe that the benefits of EU membership far outweigh the costs. I was asked what I see as the costs, and a figure has been outlined. We have also talked about regulation, on which we are continuing to press, so that it gets reduced. This issue has been raised a number of times in Parliament and the Government continue to address it fully in written and oral parliamentary questions. Moreover, there have been opportunities for full consideration of these matters during parliamentary scrutiny of, among other things, the European Union (Amendment) Act 2008, which received 25 days of debate. There is also plenty of time to examine EU issues widely in all the scrutiny Committees that exist. On that basis, I have decided that a requirement for the Government to produce an economic cost-benefit analysis of the UK's membership of the European Union is entirely unnecessary.

1.37 pm

Mr. Chope: It is probably the most supreme of ironies that the defence that the Minister uses against my Bill is one of bureaucracy, because my Bill is designed to identify the enormous costs to our taxpayers and our people of the EU bureaucracy. She has the temerity to say that if I were to get together a commission of five people to look into this matter, that would be too much bureaucracy. What irony!

I wish to use the short time available to me to thank a few people. First, I thank all my colleagues who have been here to support the Bill either in interventions or in full speeches. I thank the hon. Member for Kingston and Surbiton (Mr. Davey) for the support of the Liberal Democrats, which came as a bit of a bonus, because I had not barked on it. I had expected—I was not disappointed—to have the support of my Front-Bench team, and I was delighted with the speech made by my hon. Friend the Member for Rayleigh (Mr. Francois).

Those of us who are familiar with the processes that take place on Fridays know that getting private Members' legislation on to the statute book is an iterative process. In the light of what the Minister has been saying, I have to accept that my Bill will not receive Royal Assent in this Session. Nevertheless, we have the basis for bringing the Bill back—perhaps that will happen in the next Session, although we may have to wait for an incoming Conservative Government to give it legs. The Bill will be the basis of a future justification of the costs and benefits of our membership of the European Union. Anybody who has been following our proceedings will know that there is a petition on the No. 10 website in support of the Bill. I believe that people will be able to sign that petition until some time in the middle of next month.

It was extraordinary that the Minister supported her case for membership of the European Union by citing the example of Cornwall, which is a county that I know well. Let us consider what is happening in Cornwall. Money that we gave to Europe is being given back to us, and we are being told how we can spend it in Cornwall. We do not have the freedom to spend it as we would wish. It is extraordinary that the Minister should think that that is a bonus, rather than a detriment of membership of the European Union.

On the Opposition Benches, we concentrated on the costs of membership because we knew that the Minister would balance the picture by mentioning the benefits. She failed to address the issue of costs, which are now estimated to be between 4 per cent. and 10 per cent. of GDP every year—enormous costs. We need a proper evaluation of those costs and whether the benefits are worth that money. Would it be better to have a renegotiation and a looser and freer arrangement with the European Union along the lines of the support given in the recent poll, in which more than 40 per cent. were in favour of a trading relationship with Europe, but not of all the European bureaucracy and interference of which we see so much?

Most of all, we support the rule of law, and it is a pity that the Minister did not say one word about the ruling in the High Court today. I shall not dwell on that, except to say that it takes me back to the first comments that I made in this debate. If the European Union will not listen, it risks a popular revolt. If the Government will not listen to the people of this country on the issues of Europe, they risk a popular revolt. Indeed, that is already happening. The arrogance of the Government on this matter will not protect them against the British people.

Question put, That the Bill be read a Second time.

The House divided: Ayes 8, Noes 0.

Division No. 227] **[1.42 pm**

AYES

Baron, Mr. John
Burns, Mr. Simon
Chope, Mr. Christopher
Davey, Mr. Edward
François, Mr. Mark
Heathcoat-Amory, rh Mr. David
Swire, Mr. Hugo
Widdecombe, rh Miss Ann

Tellers for the Ayes:
Mr. Robert Syms and Mr. Nigel Evans

NOES

Tellers for the Noes:
Tony Cunningham and Mr. Sadiq Khan

It appearing on the report of the Division that fewer than forty Members had taken part in the Division, MADAM DEPUTY SPEAKER *declared that the Question was not decided, and the business under consideration stood over until the next sitting of the House.*

Runaway and Missing Children Bill

Order for Second Reading read.

1.52 pm

Helen Southworth (Warrington, South) (Lab): I beg to move, That the Bill be now read a Second time.

I thank the House and you, Madam Deputy Speaker, for making time available for this important Bill. This is the third year that the Bill has been brought to the House, but the first time that it has reached a Second Reading debate. It is a very modest Bill, with a single substantive clause in which a duty is imposed on the Secretary of State in relation to runaway and missing children. The clause states:

"It shall be the duty of the Secretary of State to make appropriate provision for the collecting and reporting of information about runaway and missing children and for co-ordination among police, local authorities and other bodies."

It is a small Bill to deal with a large problem. It is estimated that every year in the United Kingdom, more than 100,000 children run away or go missing from home or care. The vast majority of those children get back home safely, but many do not. Some are harmed while they are away: information from the Children's Society suggests that every year some 10,000 children are hurt, some extremely seriously, while missing from home or care, and the police estimate that each year about 50 children die while missing from home.

Mr. Nigel Evans (Ribble Valley) (Con): I support the Bill 100 per cent. Many people will be amazed to hear that it is not already an Act, or that all the bodies it lists are not already obliged to work together. Why are we having to wait so long for the measures to be given proper recognition?

Helen Southworth: I thank the hon. Gentleman, who is my good friend, for his intervention. He raises an important issue. Part of the problem is that the children in question disappear. They are missing; they are not there. That is one of the key issues that people raised with me when I first introduced the Bill. By definition, when a child goes missing, we do not know where they are. Some exceptionally good police officers have worked in this field, and they have been very frustrated at not being able to get the sort of co-ordination that the Bill proposes. They say to me that unless we ensure a better way of indicating what is happening, so that we can focus resources to tackle the problem, those children will fall below the radar. In police terms, they appear again only when they are the victims or perpetrators of a crime. As we all know, that is way too late.

The purpose of our work is to pull the process back, to ensure effective early intervention and to make sure that we can identify the children who are at risk of running away or going missing, so that we can put strategies in place for an alternative, and so that they can find other ways of dealing with problems. We all have problems that we have to think about and use quite a lot of skills to deal with. Some of the children whom we are talking about do not have the life experience to do that, and many of them do not have family and friends to whom they can turn for help. In the first instance, we have to reduce running away and give children alternatives, but secondly we must be able to

identify quickly those children who run away, and put something in place for them, so that they have a safe adult to turn to and a safe place to go.

Mr. Robert Syms (Poole) (Con): The hon. Lady said that the Bill covers children who are in care, so presumably children in the care of local authorities who run away—a vulnerable category—would also come within the scope of her Bill.

Helen Southworth: Yes. In fact, the point of the Bill is that it brings together all children; it does not select single sets of children, but covers children who go missing for any reason, whether from home or from care, and whether they have run away, are trying to escape abuse or have been abducted. In the extensive work that we have done on the subject over the years, we have found that those groups have a common purpose. We have to put in place infrastructures that will be able to react and respond to individual children and cover them all. There are mechanisms that we can put in place, as identified in the Bill, that can deal with that.

Some children who run away are running to escape abuse. Running away can seem to them the most sensible thing to do at the time. They are very frightened and they are trying to escape from something. There is a real concern about what they are escaping to. I am afraid that other children—quite often, they are children in the care of a local authority—are targeted by predatory adults who try to groom them, and pull them away from a place of safety to get them involved in things that are definitely to their disadvantage. The Bill will protect that whole range of children, and that is incredibly important; because any child who is missing who does not have access to a safe place to go and a safe person is at serious risk.

The evidence demonstrates not only that very serious, deliberate harm happens to children, but that some children who are alone as a result of going missing are far more prone to accident. They are very likely to be children who have low self-esteem, do not have a good sense of safety, and cannot evaluate situations. Evidence that I have brought before the House on a number of occasions has identified a series of young people who have put themselves at risk, or who have been put at risk by adults, with serious consequences, some of which will last them for the rest of their lives. Shelter has said that a young person who runs away or goes missing is much more likely to become homeless in later life. Work done in my local young offenders institute identified the fact that the vast majority of young offenders had run away from home or care before they committed any crime. Work that was done with young prostitutes found that the overwhelming majority of them had run away from home or care before they got involved in prostitution, and that they had been targeted and drawn into that activity by adults with ill intent.

The co-ordination proposed under the Bill would allow both local authorities to put in place support services for children and police to identify such adults and to take action against them and remove them from being a danger to children.

Mr. Edward Davey (Kingston and Surbiton) (LD): I have spoken to members of the Children's Society in my constituency about this issue, and the hon. Lady is to be congratulated on bringing the Bill before the House. I hope and assume that it will have support from Members of all parties. If the Bill is enacted and this information becomes available, what measures does she hope the Government will take? Does she hope, for example, that these children will be included in the Every Child Matters programme—and why are they not included in that already?

Helen Southworth: That is an incredibly important issue, and it has been a focus of attention over the past three years for myself, other Members and the organisations working in this field—particularly different Government Departments, because we must ensure that it is intrinsic to Every Child Matters, which is an excellent piece of work and is enacting a very good framework to make sure that every child does matter.

On the matter we are discussing now, the key issue is the nature of the problem. If a child runs away or goes missing in my authority area of Warrington, within 25 minutes they can be in Liverpool or Manchester, and they can have crossed a number of authority areas. Every Child Matters is based around where children live, but children who have run away are moving. That makes addressing such incidents incredibly difficult unless we have an infrastructure in place whereby police, local authorities and voluntary organisations have worked out ahead of time what they are going to do and how they are going to do it—unless they have the protocols in place and they can share information, and unless they have collected that information in the proper manner in the first place so that it can be shared quickly. We must ensure that all those different bodies can connect up and follow the child, and be wherever the child wants them to be.

That leads on to the crunch issue: the collection of information to ensure that each case involving a child can be managed individually, and so that resources can be targeted allowing services to be commissioned to be available for children within a particular area. We must also be able to monitor the effectiveness of that process, in order to make sure we are actually providing for these children—to make sure that if, for example, a child telephones at two o'clock on a Saturday morning from anywhere in the country, they can get access to a helpline that can tell them where there is somebody local who can help them and listen to their problem, and who can make sure that a safe adult gets to them at the telephone box they are calling from or wherever they are on a mobile phone. That is what we must do: we must be there for these children wherever they are. In the situations we are discussing, the child is moving, which is exceptional under the Every Child Matters agenda—they are moving across different agency and authority areas.

That leads me on to address what is currently happening on the ground. At present, 40 per cent. of police forces cannot provide information about the level of need in respect of runaway or missing children, and Children's Society surveys have identified that only about 12 per cent. of local authority children's services have an organised response to the needs of young runaways, which means that more than two thirds of local authorities do not currently have a planned response. That is an appalling situation, and we must address it.

[Helen Southworth]

The all-party group on runaway and missing children recently contacted local authorities asking them for information. Some 23 of them could not say how many of their looked-after children—children in their care, for whom they are directly responsible—had been reported missing to the police in the last year. Forty-two did not know how many of their children who are on the child protection register had been reported missing to the police. There have been excellent examples in both the police and local authorities of people trying to resolve this problem, but individuals by themselves cannot deal with it, and neither can individual authorities.

Realistically, police forces have better information on missing cars than on missing children. None of the police forces' missing persons databases can share information electronically in real time with the national missing persons bureau's database. There is no knowledge of how many police forces may or may not be able to share information electronically in real time with the police national computer system. There is no national requirement for police forces to use electronic management systems or to provide the missing persons bureau with their data, and there is no national requirement for forces to share among themselves data about runaway and missing children.

Those requirements are essential if we are to have effective working between police forces. We have exceptional officers who are dedicated to finding and protecting children who have run away or gone missing. We have to have a system that supports those officers and ensures that situations can be dealt with rapidly, that the information that is collected is kept so that predatory adults who target individual children can be identified rapidly and dealt with, and that social services departments can be supported in their work to target resources at those children. Lancashire police force has been incredibly effective in that regard, and it has been able to identify children at risk and work directly with their local authority to provide support.

I do not want to speak for too long, because I want to hear what the Minister has to say, and I know that other Members want to contribute. The Bill is very short and very carefully worked out. Very many people have been involved in its drawing up, including the Association of Chief Police Officers, social services departments, many Members, many voluntary organisations and many young people. I should like to ask the Minister with responsibility for children whether he will take his guidance from Bob the Builder. Can we fix it? Yes, we can. So let's do it.

2.6 pm

Mr. Simon Burns (West Chelmsford) (Con): May I begin by congratulating the hon. Member for Warrington, South (Helen Southworth) on bringing the Bill before the House? I pay tribute to her for her tremendous work as chairman of the all-party group on children who run away or go missing, and for her campaigning over many years on this sensitive and important subject.

The hon. Lady's Bill highlights a number of serious issues. According to the Children's Society, 100,000 children under 16 run away each year. The society's research indicates that such children are often fleeing family conflict, neglect and abuse, but they may also be pulled away to be near friends, or as a result of grooming by an adult. Such children often sleep rough and are at much greater risk of sexual exploitation, violence and drug taking. One in 12 young runaways is hurt or harmed while away.

The key point that the Bill rightly identifies is the current lack of information about missing or runaway children and the lack of co-ordination between the relevant agencies to act when a child at risk has been identified. The hon. Lady puts her point clearly and starkly when she argues that better information is available nationally on missing cars than on missing children. The number, age and gender of children who are reported missing from home are not collected centrally. Such a facility has been available in the United States, for example, for a number of years. It is said that the new National Missing Persons Bureau, which the National Policing Improvement Agency launched on 1 April, will seek to develop national information to support local police operations.

One of the priorities for the bureau is to carry out a strategic assessment on missing people to formulate, develop and measure future policy initiatives in close consultation with the missing persons strategic oversight group. It would be helpful if the Minister could tell the House what progress is being made with the strategic assessment, when it will be completed and what areas the policy formulation is expected to address in general, and specifically in relation to missing children. The Government's young runaways action plan talks about the bureau acting as a hub for the sharing of best practice and to co-ordinate consistent policing activity in the search for missing young people, with promises of revised guidance for police forces. However, are the Government planning to develop a central register of missing persons? Perhaps the Minister could provide some clarity on that, as it is not clear from the statements that have been made so far.

Can the Minister confirm how many police forces use the computerised system to record and manage reports of runaway and missing children? It has been suggested by the hon. Member for Warrington, South, among others, that fewer than half the 43 police forces do so. Is that number correct, and if so, why are so few police forces using it?

It is not just law enforcement agencies that need to focus on obtaining better information on missing children. Schools, local authorities and local social services departments also need to examine closely the issues of missing children. The Government have said that a new indicator in the national indicator set is to be introduced, covering children who run away from home or care, with data being monitored on a quarterly basis. Will that provide details on how many young runaways there are? How will it secure more effective joint working between children's services, the police and local partners? What monitoring of the response of local strategic partnerships to the collection of data will be undertaken?

Collecting information is one thing, but as we have seen in other areas, doing something about it is another. That crucial factor was starkly highlighted by the recent Home Affairs Committee inquiry on domestic violence, forced marriages and "honour"-based violence. The Committee highlighted disturbing evidence of children having gone off school rolls without anyone tracking where they are, and noted concerns that some of those missing children may have been forced to marry overseas.

Although Her Majesty's chief inspector of schools has reported that most authorities have "good" procedures in place, in a few areas there is a lack of an overarching, co-ordinated approach to collecting and recording data relating to missing children that makes it difficult to establish their whereabouts. The Minister has acknowledged that there is scope for developing some standard definitions for local authorities to use in collecting information. The Government are currently consulting on updated, extended statutory guidance on identifying children not receiving a suitable education.

The Committee said that the whole situation caused it "great concern", adding, at paragraph 166:

> "Rather than disproving that there are children missing from schools who have been removed and forced to marry, our investigation showed simply that there is no adequate mechanism of identifying these children."

If one looks at the situation regarding children missing from children's homes, a similar theme emerges. In 2005, 290 children went missing on one or more occasions. In 2006, the figure was again 290, and in 2007 it was 300. In 2006, 370 children went missing for more than a month while apparently being looked after by social services. This is of particular concern, as it highlights the dangers of child exploitation and the trafficking of children.

Research published by UNICEF shows that in an 18-month period 330 children were believed to have been trafficked into the UK and that 183 of them went missing from the care of social services. The Government have published guidance for local authorities, but more will be required if we are to make a real difference and to put child protection to the fore. We must avoid the horrendous situation in which children come under the protection of the state but the state cannot deliver on its obligations to them. They should and must be protected. Just one example concerns Vietnamese cannabis factories that are currently being raided, with findings of children being exploited, misused and abused.

The question arises of what checks are done on family members. In certain circumstances, children who have been arrested are handed back to supposed family members, but there is evidence to suggest that they are not actually relatives but part of the criminal gangs responsible for the trafficking. Further checks must be carried out to ensure that children are not handed back to the gangs that want to continue to exploit them.

Operations such as Operation Pentameter and the current Operation Pentameter 2 deal with the sex trade. Does their scope need to be broadened to take account of children who are trafficked not just for sex but for other forms of exploitation? That underlines the need for not just the reporting and collection of information but the swift adoption and ratification of the Council of Europe convention on action against trafficking in human beings. I urge the Minister to press ahead with that and identify the necessary mechanisms for it, whether under secondary or primary legislation. He has our assurance that the Opposition want that delivered as quickly as possible.

We need to deliver also on other practical measures to ensure that proper checks are made at borders and that we have a robust and effective border police force that can minimise the dangers that are highlighted by the Bill.

I am realistic about the fact that, given the stage of the parliamentary year, the timetable will not allow this important, although very short and concise Bill to reach the statute book. I congratulate the hon. Member for Warrington, South, on promoting it and on once again providing a platform to highlight the terrible suffering and problems that lie behind the need for the Bill. In the understanding that it is improbable that it will reach the statute book in this Session, I urge the Minister to work on the basis of the Bill to make the necessary changes and bring in effective checks and balances to give more help and protection to some of the most vulnerable members of our society. I urge him to give real meaning to the expression and show that every child really does matter.

2.17 pm

The Parliamentary Under-Secretary of State for Children, Schools and Families (Kevin Brennan): I begin by thanking my hon. Friend the Member for Warrington, South (Helen Southworth) for her continuing commitment to children and young people, which is well known throughout the House. I commend her, and the other members of the all-party group on children who run away or go missing, for their tireless work to improve services for such young people. She rightly challenged me, using Bob the Builder as an example. Can we fix it? I think we can. I hope she will welcome what I say in response to her Bill.

I am pleased to be given a chance to speak about the Bill and the important issues that it raises about the support that we offer vulnerable young people. Every child does matter, including those who run away from home or go missing. The Government have clear aims for all children and young people, and the Department for Children, Schools and Families was set up to make those aims central to what we do in Government.

We want all children to enjoy a happy, healthy and safe childhood that prepares them for adult life, so that they can make a positive contribution. Running away is a clear sign that something is wrong in a child or young person's life, and we must ensure that action is taken to keep the 100,000 young people who run away safe and give them the support they need to deal with their problems. We need to protect them from the risks that they face.

According to the Children's Society, which has been mentioned, about one in 12 runaways are hurt or harmed. Even when a child does not come to direct physical harm, running away can seriously affect them in all sorts of other ways, such as through missing school or missing the chance to develop both relationships with their peers and their physical and mental health. That is why it is vital that we do everything we can, not only to support young people who run away but, when appropriate, to prevent them from reaching the point at which they feel that running away is their only option. We need to mobilise services to spot and stop those problems early, before they develop.

We have already done a lot to combat the problems of vulnerable young people. Indeed, reference has been made to that this afternoon. The Every Child Matters reforms have transformed the way in which local services work together, using the common assessment framework and sharing information about children at risk of harm.

[Kevin Brennan]

Better joined-up working and information sharing across professional boundaries mean that children are now less likely to slip through the gaps, because professionals have a better picture of their needs and can tailor support for them, drawing in other professionals and services as necessary.

We introduced a duty under the Children Act 2004 for a range of bodies, including children's services, health services and the police, to have regard to the welfare and safety of children and young people. All local authorities must now also have a local safeguarding children board, to bring together partners to co-ordinate safeguarding services. All local authorities are currently reforming targeted youth support services, to improve how they identify children at risk and prevent their problems from reaching crisis point.

There has been considerable progress in recent years, but we know that there is still more to do to help the most vulnerable children in our society. We took a significant step forward on Monday, when I was delighted to join my hon. Friend at No. 10 Downing street to launch the publication of the young runaways action plan—the hon. Member for West Chelmsford (Mr. Burns), who spoke for the Opposition, mentioned it too, and I noticed that my hon. Friend had a copy in her hand while making her speech. She played a big part in the genesis and development of the action plan, working with us in the Government and all the agencies involved in putting it together. It was a pleasure to launch it with her at No. 10.

The plan sets out our next steps to help and support vulnerable children and young people. I would like to take this opportunity to outline the commitments made in the plan and how they relate to the Bill. It is not a coincidence that my hon. Friend's Bill has helped us to focus on the right measures to take, which have been outlined in the plan.

Our No. 1 priority is prevention. The earlier we can spot a problem, the better. We must therefore improve our ability to pick out children at risk, identify their problems and try to resolve the underlying issues that make them run away. The youth taskforce will work with local authorities to put the issue of supporting young people at risk of running away at the heart of their targeted youth support arrangements. The action plan also includes a commitment to developing new resources to help schools and youth centres to play a stronger role in educating young people about the risks of running away and in telling them what support is available if they are experiencing problems. There will always be some children who run away, probably no matter what we do—the problem is not a new one, as hon. Members know. The action plan therefore sets out how we will try to improve local services to ensure that they respond more effectively to those who run away.

Every year, about 17,000 young runaways end up sleeping rough, at great risk to their health and safety. We need to do more to ensure that there are safe places for runaways to go while their reasons for running away are addressed. We will be working with the Government offices to help local safeguarding children boards to put in place effective action plans to keep young runaways safe.

A review of existing research on emergency accommodation is already under way. The action plan means that we will investigate with local authorities ways in which they can improve the commissioning of such accommodation at the local, regional and sub-regional levels by this autumn, and we do not intend to stop there. Next spring, we will publish updated guidance on children missing from care and home, ensuring that it joins up with guidance on young people missing from education, and guidance on trafficking and sexual exploitation, to meet the points that the hon. Gentleman made. The new guidance will give local authorities practical examples of how they can support young runaways better.

The support of our partners has been central to the development of the action plan. It is vital that strong local partnerships exist between the agencies concerned with protecting vulnerable children, such as the police. The National Policing Improvement Agency has established a new Missing Persons Bureau to act as an exchange for information connected with the search for missing people and to co-ordinate consistent policing activity in the search for missing people. The bureau designs guidance for police forces, and will fully review the existing guidance on the management, recording and investigation of missing persons.

My hon. Friend is right to stress the importance of data collection on runaway and missing children. She has quite rightly banged on about that for some time. Ensuring that all parties have access to the right information at local level is crucial to greater co-operation, to effective intervention, and ultimately to ensuring that no young person slips through the net when it comes to getting the right support. That is why we have introduced the new indicator in the national indicator set on young runaways that was referred to earlier.

The new indicator shows the priority that the Government place on improving services for young runaways and will act as a lever to catalyse the change that we need. It will allow local strategic partnerships and children's trusts to begin to establish the scale of problems in their local area, to put services in place to respond accordingly, and to establish local targets if appropriate. I expect it to facilitate better collections of data about vulnerable young people, and to help to secure effective joint working between children's services, the police and other local partners. However, to ensure that it achieves those objectives, we will need to see how it works in practice. We are to review the indicator in 2009-10, monitoring it on a quarterly basis, and if the evidence shows that the indicator is not driving better collections of data about this vulnerable group of young people, we will be prepared to consider the introduction of legislation to ensure that that happens.

The indicator will be supported by police data collections, which is another point that my hon. Friend has raised on many occasions. The Missing Persons Bureau is working to ensure that data—including data on young runaways and missing children—can be transferred automatically and electronically from local police forces to the bureau, so that it can develop a national picture of missing persons. To support this work, the bureau is working with the Association of Chief Police Officers

and the Home Office to introduce guidance on police data collection methodologies that has statutory status as a police code of practice. I hope that my hon. Friend will welcome that. I note that she is nodding.

Helen Southworth: This is possibly one of the most significant factors needed to safeguard children. Police forces have many priorities, and the House must make it clear to them that the protection of missing children is essential, as a public protection issue, as is the collection of information so that they can work with local authorities.

Kevin Brennan: I am grateful to my hon. Friend for her intervention. I hope that this measure will help in regard to her Bob the Builder test of what is needed to fix these problems. I know that she has been calling for it for some considerable time, and I hope that it will be a helpful addition to today's proceedings.

I fully support the principles behind the Bill. As so often happens with a strong private Member's Bill, my hon. Friend has been able to use her proposals to achieve many of her objectives so that, rather than implementing the Bill, we now need first to address the issues raised, in order to improve services for young runaways through delivering the commitments set out in the action plan, through the revised guidance to local authorities, and crucially, through the new indicator and the development of the police code on data collections—which, as my hon. Friend has just pointed out, is vital if we are to see whether we have made the required progress.

I expect co-operation between the Government and local partners to build on the successes achieved through Every Child Matters, so that they can flourish over the coming months during the implementation of the action plan. I fully expect cross-agency working to be enhanced by our new data indicator.

Although I am unable to give Government support to the Bill today, I am able to endorse the need for the action that the my hon. Friend has so ably campaigned for—and, quite honestly, so ably won. Through the publication of the action plan—

Madam Deputy Speaker: Order.

It being half-past Two o'clock, the debate stood Adjourned.

Debate to be resumed on Friday 17 October.

Remaining Private Members' Bills

IRAQ WAR INQUIRY (NO. 2) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 17 October.

SOVEREIGNTY OF PARLIAMENT (EUROPEAN COMMUNITIES) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 17 October.

ROAD TRAFFIC (CONGESTION REDUCTION) BILL

Order for resuming adjourned debate on Question [13 June], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 17 October.

LEASEHOLD REFORM BILL

Order for resuming adjourned debate on Question [22 February], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 17 October.

CITIZENS' CONVENTION BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 17 October.

FIXED TERM PARLIAMENTS BILL

Order for resuming adjourned debate on Question [16 May], That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 17 October.

DRUGS (ROADSIDE TESTING) BILL

Order for Second Reading read.

Hon. Members: Object.

DRUGS (RECLASSIFICATION) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 17 October.

Post Office (Leyton High Road)

Motion made, and Question proposed, That this House do now adjourn.—*[Tony Cunningham.]*

2.32 pm

Harry Cohen (Leyton and Wanstead) (Lab): I am extremely grateful to Mr. Speaker for granting me this debate on the issue of the Leyton Green post office on 674 High road in my constituency, which has been marked down for closure. That closure is unreasonable, unfair and damaging to the local community who use it and depend on it. The post office is excellently run by Shanaz and Nashir Bashir, and it provides a first-rate service. It is a community resource while also being profitable, and it is always busy.

The process of the closure programme has been deplorable. The consultation period of just six weeks was far too short. The former Mayor of London, Ken Livingstone, set in process a judicial review, which has been taken on by the current Mayor, Boris Johnson. I have with me a letter dated 28 May from Ian Clement, the deputy Mayor. It says that the Mayor, Boris Johnson,

"will be continuing with the judicial review challenge",

and it continues:

"London has already experienced disproportionately high levels of post office closures in recent years compared with other areas of the country. The Post Office has not provided convincing evidence that further closures in London are necessary on economic grounds. Community-based enterprises like local Post Offices provide vital services for Londoners, especially older Londoners and families, and they should be protected. Post Offices are crucial in supporting local retail and where a Post Office closes, small businesses and the local community suffer."

The criteria used in the closure programme were far from clear or coherent. They seemed to relate only to distance and money. I shall say more about that shortly. The decisions on which post offices should be closed have been arbitrary, and, as far as I can see, have been made with very little regard for the representations made or the consequences of closures. The decision document paid no more than abbreviated lip service to all the protests. I submitted a petition from 2,150 users of the post office, but I do not think that it was given sufficient weight. The consultation process was unfair.

The post office serves a very deprived area. Clyde Loakes, leader of Waltham Forest council, in a letter to the Minister wrote:

"I am concerned about the negative impact on some of our most deprived communities.

Waltham Forest is one of the 10 most deprived local authorities in England. However as you know the lives of vulnerable people are always more complicated than the statistical picture painted by the Index of Multiple Deprivation (one of the key criteria for informing post office closures). We have high numbers of people claiming incapacity benefits, a high incidence of health issues such as circulatory disease, which can restrict mobility, and a concentration of older residents in some areas. Moreover we have significant problems with financial exclusion—the most recent research available indicates that 24 per cent. of our local social housing tenants do not have a bank account. Equally, for many of the most vulnerable in our community, interaction at local service points such as sub post offices helps reduce feelings of isolation which are so often a precursor to serious social exclusion.

This Government has prioritised support for the vulnerable in a whole range of public policy areas. My concern is that the closure of these local post offices will leave some of my borough's most vulnerable residents more isolated."

I echo those views. I too made representations. Indeed, my assistant was amazed at the length of the letter that I sent to the Post Office, but that was due to the importance of the Leyton post office to local people. As well as drawing attention to the petition that I had submitted, I pointed out that during the previous closure round, when the Post Office had earmarked the branch for closure, it had sited it wrongly on its maps. Moreover, the Post Office had not taken into account the refurbishment of the branch only two years ago. When it was up and running again a number of its clients were not told, but now it has a good clientele.

Major regeneration has taken place in the area served by the post office. People who had been decanted from estates there are now being returned, and plenty more are due to return to the Beaumont estate. The Leyton post office will be their local branch. There is other building activity in the area as well: there is to be a new police station, as well as more housing. The alternative post office branches being suggested are simply not suitable. There is no bus route and a walk uphill is necessary, or if there is a bus route people must cross major roads when they have got off the bus. They then face very long queues.

The area is multi-ethnic, and much of its population is poor, deprived and vulnerable. Near the post office is a mosque attended by many people, and the number will increase in the future. The postmaster and postmistress speak Urdu, and provide an excellent service. When I visited the post office I saw a great many customers of eastern European origin. That is important, given the post office's international links. It also has an ATM, which has attracted many customers. All in all, the case against closure was overwhelmingly powerful. I was dismayed that those points did not form part of the criteria.

I could read out a lot of residents' letters, mainly from elderly people who are very vulnerable, but I do not have enough time. There was also a letter from a local business whose name I do not want to mention. It said that it uses this post office to deposit its business takings, and that the safety of its staff would be at risk if it had to do those cash transfers in some other way.

Help the Aged has also made very strong points about vulnerability. It states:

"The Urban Reinvention Programme resulted in the closure of around 2,500 Post Offices in cities in the UK. The Network Change Programme will result in the closure of 2,000 more branches, both rural and urban."

It points out that

"we are concerned that the lessons of the Urban Reinvention Programme have not been learnt and the impact on communities and older people receive inadequate consideration...the closures will serve to further fracture community structure and make life increasingly difficult for older people and the most vulnerable...61 per cent. of customers in deprived urban areas say they use their local Post Office to access free community services and 36 per cent. meet friends there. Between 2001 and 2005 the proportion of the elderly who use the Post Office at least once a week has risen in both rural and deprived urban areas."

The same point applies in this case. Help the Aged continues:

"88 per cent. would have to make special travel arrangements to reach alternative services."

The same point applies in this case. Help the Aged continues:

"77 per cent. of over-65s view the network in deprived urban areas as a focal point and place to meet others...Older people in the UK are amongst the Post Office's most loyal and frequent users. Many who rely on their state pension wish to have a Post Office account, often use co-located shops"—

the same point applies in this case—

"and appreciate both traditional and new services offered."

The Post Office reports the concerns and representations in a cursory manner, and it is hard to believe on reading them that it gives them any realistic weight. I received a letter on 15 May from Valerie Stanley, the agency correspondence team leader of Post Office Ltd that almost—not quite—constituted belated criteria. She states:

"The decisions...are complex and difficult. These involve balancing a wide range of factors, as prescribed by the Government, which include the commercial viability of branches and other operational issues, as well as factors which are offered due regard by Post Office Ltd, such as the local demographics and the effect of closures on the local economy. At the same time Post Office Ltd must ensure compliance with the detailed minimum access criteria...set out in the Government Response Document."

She then says that that is

"balanced against the severe financial constraints that the network faces".

Even though those are belated criteria—that letter was not available, by the way, ahead of the consultation—they still boil down to the factors of distance and financial cuts. That is not good enough and not appropriate.

There was an Opposition day debate and vote in Parliament on 19 March, and I voted against that Opposition motion because they would not have put a penny piece into the post office network; in fact, they would not have matched the Government's money for the network. I was not going to vote for more closures than are already proposed. However, I did think that the process would be a fair one, and I was prepared to give it a chance at that time.

There was a very good article in *Tribune* on 11 April by Billy Hayes, the general secretary of the Communication Workers Union. It points out that the Tories cannot be relied on to defend the network because they would not provide enough money, and that

"they closed 3,542 post offices when they were last in power."

He also criticises the Liberal Democrats for their proposal of

"separating out the branch network from the rest of the Royal Mail, disregarding the fact that this would jeopardise the fulfilment of the Royal Mail's universal service obligation. But then when have the Lib Dems ever been obliged to have a coherent policy?"

The Government are not off the hook, because, as the Minister may gather, my distinct impression is that the consultation went through the motions and it was a waste of my time and that of the petitioners and other constituents who wrote in arguing for this post office to be saved. This decision was not based on proper criteria, being overwhelmingly based on distance and financial cuts to the network.

The distance involved may be less than a mile, although I believe that two post offices are within a mile and others are beyond a mile or very close to that, however the terrain involved is very difficult, consisting, as it does, of major roads. So, the journey is not an easy one for the people who have to make it, particularly older and vulnerable people. Those social factors, and the fact that the closure is bad for trade and business, were not given proper weight by the Post Office.

May I make one more point politically to the Minister? He may not agree with it, but I shall say this anyway. I think that this policy is a Blairite one. It is an example of why things are going wrong for Labour with the voters, because it hits the poor and vulnerable, and muddles the message of what Labour is really for—it is for helping the poor and the vulnerable to improve their lives. This is a deeply Conservative policy, claiming only to do it better than the Conservatives would. That is not good enough in this context. The country and people, who want to support Labour, are crying out for the Prime Minister to move away from this out-of-date, unproductive and uncaring Blairite approach. I am sure that, like me, the Minister is keen for the Labour Government to succeed and to carry on past the next election. That is why these policies have to be examined and changed.

I heard the debate in which rural post offices were discussed, and it was mentioned that some of them were used by six customers. Of course, nobody would say that such post offices have to be saved. However, these cuts are far too deep and damaging, and change should start by our pulling back from them. The case for the Leyton high road post office is overwhelmingly powerful. It should stay open, and I urge the Minister to intervene on its behalf.

2.47 pm

The Minister for Employment Relations and Postal Affairs (Mr. Pat McFadden): I pay tribute to my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), as I believe that he has represented that constituency for 25 years. I congratulate him on that, and on speaking so strongly and eloquently about the Leyton Green post office and the hard work of Mr. and Mrs. Bashir. I also pay tribute to them and to the thousands of sub-postmasters up and down the country, in both urban and rural areas, who give such sterling service to our community. The Post Office is a highly valued institution; it is valued highly by the public and by the Government, and I shall discuss that when I explain to my hon. Friend why the closures are taking place.

As the Minister, I can set out Government policy on this matter, but I do not have a role to play in selecting or not selecting individual post offices for closure or in intervening in any such closures, and I think that my hon. Friend will understand that. We set the overall financial framework for the amount of public subsidy that can be put in—I shall say more about that—but it is for the Post Office to decide on the details of this programme. Obviously, Postwatch, the consumer voice in all this, has an important input, as do others, such as MPs, local authorities and members of the general public, who care passionately about their post offices.

Many would prefer no change to take place, but change is taking place well outside anything that the Government are doing. Change is happening in society and that is affecting the use of the post office. I shall mention some of those changes. My hon. Friend said that the post office is used by many pensioners in his constituency to collect their pension. That is one of the traditional roles of the post office, but across the country

[Mr. Pat McFadden]

it is no longer the case for eight out of 10 pensioners, as they have their pension paid directly into their bank account. For new retirees, that figure is nine out of 10, and it will probably increase. When 80 per cent. are no longer collecting their pension from the post office, that inevitably has an impact on the network.

Another change is the new services that are available online, which have grown phenomenally in recent years. When my hon. Friend came into Parliament, 25 years ago, the internet had not really been invented—perhaps it existed in the minds of a few defence researchers in the US. Even when this Government came to power, the internet was still in the early stages of common use. Now we can apply for car tax online, and 1 million people a month do so, including my hon. Friend's constituents. That is 1 million people a month applying for one product alone, and they are no longer using the local post office.

Another change is competition. Whether we like it or not, there are other networks out there offering to do jobs that were traditionally done by the Post Office. Perhaps the greatest example of that is the BBC choosing to give the television licence contract to another network. We may have an opinion about that one way or another, but it is a choice that the BBC is free to make. Competition is another factor that the Post Office has to face.

What do all these changes mean for the network? They mean that it loses £500,000 every single day. I have to take issue with some of my hon. Friend's figures for Post Office customer numbers. The Post Office has lost 4 million customers a week over the past few years, partly because of the changes that I have mentioned in how people are paid money, the technology they use to pay bills and the competition from other networks. Those figures are not static. The losses have been increasing and customer numbers declining.

The hon. Gentleman said that Leyton Green post office was profitable, but I must take issue with him on that. Before the start of this closure programme, there were some 14,000 post office branches. Only 4,000 of those ran at a profit to Post Office Ltd. The rest cost the Post Office money to run. Three out of four post offices cost money to run. It is very difficult for even a sub-postmaster to gauge that, because their books show only one half of the equation—what comes in and what goes out, in terms of what the post office pays for services. What they do not see, but are very real in the Post Office's accounts, are the costs of moving cash around a network that size; of the IT systems that the sub-postmaster does not pay for, so they do not appear in his books; and of a range of other services that make it possible to run a post office. Those costs may not appear in the individual post office's books, but they are real costs for the Post Office. The branches closing at the moment cost the Post Office, on average, £18,000 a year to keep open. Therefore, I urge my hon. Friend to be cautious about saying that a particular branch is profitable.

What is the Government's reaction to all this? Have we just walked away? Absolutely not. We have stepped in with huge public support for the post office network. When the previous Government were in power, the Post Office received no subsidy at all. Between 1997 and 2006, the Post Office received some £2 billion in public support because of decisions made by the Labour Government to support the network. Another £1.7 billion will be provided in public support for the network between 2006 and 2011.

Although this is difficult for my hon. Friend, for his constituents and for those of other hon. Members, without that level of Government support thousands more post office branches would be closing because of the changes that I have talked about. The whole of society is taking part in those changes in how money is paid, how we carry out transactions, how we find out information and how we communicate with one another. For example, we used to be able to track mail volumes and economic growth almost together. When one went up, the other went up. That link appears, for the first time ever, to have been broken. The volume of mail posted in the country has been declining over the past few years. That is happening in a number of other European countries, too.

Big changes are going on, and the Government have stepped in with significant levels of public support. We value the post office network and understand that it is not purely a commercial enterprise. The extra subsidy that we have put in, rather than leaving the post office with just those 4,000 commercial branches, will allow it to maintain a network of about 11,500 branches. That is the difference that the subsidy makes. At the same time, it is true that we must have some regard to the public purse, and to the degree of exposure that would affect the subsidy, which, if no action were taken, would have to go up year after year as the numbers declined because of the changes that I have talked about.

We have played our part by putting in that subsidy. My hon. Friend referred a little to the debate that took place on 19 March and to the position of the other parties. The hon. Member for Rutland and Melton (Alan Duncan), who is the Opposition spokesman on these issues, said during that debate that

> "we have to face the facts about the future of postal services in this country...we fully expect the network to shrink in size. We have never given a guarantee that no post offices will close".—[*Official Report*, 19 March 2008; Vol. 473, c. 947.]

He accepted that the network would have to shrink in size, although that might or might not be what his party is saying in my hon. Friend's constituency—the Opposition spokesman accepted in this House that the network would have to shrink in size. That has also been accepted by the National Federation of SubPostmasters. Its general secretary, George Thomson, said at the start of the programme:

> "Although regrettable, we believe that closures are necessary to ensure the remaining post offices are able to thrive in the future".

So, the federation itself understands the need for the network to shrink in size.

What does the future hold for the Post Office? Society is unlikely to turn back from new ways of doing business, and people are unlikely to stop using the internet and direct debit, so the Post Office has to innovate. We can be optimistic about that, because the Post Office has been innovating: it is now the leading seller of foreign exchange and it is expanding in car insurance, home insurance and broadband provision. There is great potential in biometric ID management in relation to passports, driving licences and perhaps ID cards in the future. There are new areas of work for the Post Office, although

the business will have to be won fair and square, because of the competition I have outlined.

The Government will play their part by continuing to subsidise the network to the tune of £150 million a year as part of an overall package of public support of £1.7 billion, but the Post Office itself needs to innovate. I accept that it is difficult for my hon. Friend and his constituents, but even after the closures are complete, we will still have a network that is three times bigger than the top five supermarket chains combined and bigger than all the banks combined.

Harry Cohen: Will my hon. Friend give way?

Mr. McFadden: I fear that I do not have time to give way, but I assure my hon. Friend that the Government will continue to play their part to support a network that has a good presence in both urban areas, such as the one that he represents, and in rural areas.

Question put and agreed to.

Adjourned accordingly at Three o'clock.

Westminster Hall

Tuesday 10 June 2008

[MR. BILL OLNER *in the Chair*]

Cardiac Disease (Young People)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Ms Diana R. Johnson.]*

9.30 am

Mr. Kevan Jones (North Durham) (Lab): I am pleased to have secured this debate during arrhythmia awareness week. Early-day motion 617 has been tabled by the hon. Member for Hereford (Mr. Keetch), and it is timely to focus this morning on one aspect of arrhythmia: its threat to young people.

I declare an interest as the chair of the all-party group on cardiac risk in the young. When I was elected in 2001, I was, like many people, totally unaware of the tragic consequences of cardiac death in the young. I came to it, like many people, because of a related personal tragedy: the death of Levon Morland, the son of my good friends, Jeff and Sandra Morland. Jeff was a full-time trade union official for the electricians' union and then the Amalgamated Engineering and Electrical Union.

Jeff's son died in terrible circumstances. He went to bed one night and when his mother went to wake him the following morning she found him dead in bed. The circumstances were heartbreaking and, unfortunately, they are repeated weekly throughout the country. Since then, I have worked closely with the charity, Cardiac Risk in the Young, and I pay tribute to the founder and chief executive, Alison Cox, who works tirelessly on behalf of families and supports people such as my friends, Jeff and Sandra Morland.

CRY's work has three main strands. It raises awareness of sudden cardiac death in the young, saves lives through some of its work on research and screening, and reduces the anxiety of family members who are left behind. Because sudden cardiac death in the young is not well known, it does not receive great attention, and I pay tribute to CRY's work during the past few years in raising awareness. We all assume that people die of heart attacks in their old age or middle age when they develop symptoms, but sudden cardiac death in the young is much more common than we like to think. Research so far suggests that one person in 500 has some sort of hypertrophic cardiomyopathy, making it five times more common than cystic fibrosis, which is well known.

A recent study in Iceland is worth examining. It suggested that 1.47 of the 100,000 population aged under 35 die of sudden cardiac failure. That major study examined death certificates spanning 30 years and found that the incidence was higher in men than in women. The figures reinforced CRY's message that 400 apparently healthy young people die every year, which is eight young people a week. I shall explain later why some of those figures are not recorded.

The all-party group that I chair now has 112 right hon. and hon. Members, and during the past few years we have worked with CRY and CRY families. I pay tribute to those families who have lost a young person because anyone who meets them can only be inspired by their resilience and determination that some good should come out of their personal tragedies. That is expressed in two ways: fundraising to enable CRY to continue its work, and their enthusiasm in trying to spread the message. Sandra and Jeff Morland are an example. Since their son's tragic death, they have raised some £100,000 for CRY, ably assisted by Mr. Jack Doyle, another former trade union colleague, and my hon. Friend the Member for Stockton, South (Ms Taylor). They have worked tirelessly to raise money, and that is repeated throughout the country by CRY families. I know that Alison Cox and CRY's officers greatly appreciate that, because those families work hard to ensure that some good comes out of their tragedies.

One issue has been to raise awareness, and I played a small part in CRY's postcard campaign in 2004. It was launched in every region and encouraged CRY families to write to MPs and other opinion-formers, and to the devolved Administrations to draw attention to the tragedy of the eight young people who die weekly from sudden cardiac failure. I understand that the campaign will be relaunched this year. It is a dramatic way of raising awareness of sudden cardiac death in the young. The dramatic front page is a postcard with eight photographs of young people. They are not models, but young people who have died of sudden cardiac failure. That brings the issue home.

I was at the launch of some of the campaigns, and meeting the parents or partners of the people shown on those postcards brings home the issue, especially when they explain not only how those young people died, but what they were doing. It is difficult for many people to understand the tragedy, but there is a story to each death. Many of those young people were active in sports and many, like Levon Morland, were just starting out on their professional lives. The issue becomes personal when one sees the photographs on the postcards.

I pay tribute to my hon. Friend the Member for Stockton, South, and I am pleased that she has been able to attend this debate. In 2004, her private Member's Bill paved the way for a new chapter on arrhythmias and sudden cardiac death to be added to the national service framework for coronary heart disease. I pay tribute to the Minister at the time who took that on board in the Department of Health and recognised that that new chapter was important. It was not just written and set in stone; it was developed over time and we must continue to revisit it. It has raised awareness of sudden cardiac death in the young up the political agenda and within the medical community.

Another issue in which CRY is involved is saving lives through testing and screening with electrocardiograms for young people. I accept that that is controversial and that some members of the medical profession are sceptical about whether that is the correct way forward, but having seen the evidence, I am a strong believer that mandatory testing for young people is the way forward. I shall refer to some of the international evidence showing that it has a positive benefit. If it could avoid just one photograph being on the postcard in future, it would be worth it.

Research in Italy has shown that since 1982, any young person taking part in competitive sport must be medically screened with an ECG. That research has shown that some 2 per cent. of those screened have

[Mr. Kevan Jones]

some type of cardiac arrhythmia. In the research done since then, the figures speak for themselves. From 1979-80 to 2003-04, the annual rate of sudden death among athletes decreased by 89 per cent. That is an astounding figure. One might ask whether that is a one-off, but during the same period, instances of sudden cardiac death among the non-athletic population in Italy did not change at all. Those figures show that screening is identifying individuals with the problem. Likewise, if we compare the figures with, for example, the United States or other countries where people are not screened, the contrast is clear. The Italians have got it right and have shown that screening helps to identify young athletes and others who are at risk.

The other problem associated with sudden cardiac death in the young is that although it is the people who die on the sports field who sometimes get the publicity, many people die away from the sports field. In addition, some people have self-selected themselves out of competitive activities because they have exhibited certain symptoms. The arguments show that screening is well overdue. CRY is setting up testing centres in different parts of the country, and I am working with it to try to get one in the Freeman hospital in the north-east. We are in negotiations on that. Having testing centres would help many families.

Controversy over testing is caused by people saying that it raises anxiety levels among the individuals concerned and their families and siblings. It is clear that some of the conditions are hereditary, and that siblings can be found to suffer from similar problems. It is important to tackle the issue of anxiety, and to be fair to CRY it is trying to do so. It is not just a matter of randomly testing people and leaving them. If, for example, someone finds that they have sudden cardiac arrhythmia, support needs to be given afterwards – not just to the individual youngster, but to family members.

I am convinced that testing is needed. The next major step forward that we need to campaign for is to have a similar system to that in Italy. That would mean that young people who take part in competitive sport must go through some kind of ECG test. We should also consider whether to go further and build testing into school medicals. For example, I believe that when youngsters go from primary to secondary school, they have a medical—I do not know whether they still do, but before I went to secondary school, I had one—and I would welcome consideration being given to building the test in at that stage.

Within sport, there has been some movement on the issue. I pay tribute to the Secretary of State for Culture, Media and Sport. When he was a Back Bencher, he spoke about the problem at the first event that I held on the subject. He, too, came to the issue because a constituent had raised with him a problem related to a personal tragedy. I was pleased that, a few months ago, the Chancellor of the Exchequer allowed CRY to use No.11 Downing street to launch profiling screening in sport—along with the Football Association, the Professional Footballer's Association and the Football Foundation. The Secretary of State has been pushing the issue with the Football Foundation, and I know that the Minister present also attended the event. It was a great event and many of the CRY families were there and gave a lot of support. They are raising awareness of the matter among young footballers. The FA and the PFA are introducing voluntary screening for 16-year-olds and are considering whether mandatory screening can be introduced across the board. If organisations such as those support the campaign of awareness, it does a great deal of good.

The concentration on sport over the next few years in the run-up to the Olympics in London will also provide an opportunity to raise the issue. CRY and Alison Cox are working hard to raise awareness among the professional bodies of other sports. The Olympics is a great opportunity to try to do something specifically in relation to cardiac risk in the young and screening.

I mentioned the work of the all-party group, but I must also thank the Department of Health because it has been proactive not only in listening to what I and other members of the all-party group have said, but in working closely with CRY. A few weeks ago, I was pleased to attend the launch of the new fast-track pathology service for coroners at the Royal Brompton hospital. The service is ground breaking and I do not think that it is provided anywhere else. Dr. Mary Sheppard—one of life's characters—is a dedicated clinician in that area. Under the service, coroners can send away the hearts of young people whom it is suspected died from sudden cardiac conditions and get a fast-track diagnosis.

The service, which has been funded by CRY and by the fund raising efforts made on behalf of those young people who have died, does two things. First, it gives a fast-track solution to coroners and allows them to get expert advice and diagnosis on what the young person died of, or what the problem with their heart was. Secondly, the service helps families by providing a quick turnaround on a diagnosis. Having spoken to many CRY families, I know that one of the things they ask when a young person who has been healthy until that day dies is, "Why have they died?" They need an answer to that and the service is invaluable in providing that.

Mary Sheppard is also building up the research and data on the subject, which I know CRY is dedicated to doing. It is only by incrementally building up the data that we will get a better understanding of why healthy young people suddenly die. On a note of criticism towards coroners, it can take many months or possibly a year to get a diagnosis, and the speedy service helps with that. The service is also important because it allows siblings to be tested. It is clear that if a young person has died, their siblings could also be affected. Early intervention and screening is important in that regard, and it also helps with the associated anxiety and with answering the question of why this happened.

I turn to the forthcoming coroners Bill, which I understand is in the draft programme and will be in the Queen's Speech in the autumn. CRY and I have pressed hard for that legislation. The current coroner service is patchy and is based on an archaic system. When I was in charge of public health in Newcastle, I remember being told by the chief officer that I had to appoint a coroner. I said that I did not realise that that was my responsibility, to which he replied, "Oh yes it is." It was only when I had to go through the process of appointing Newcastle's current coroner, who is a very good individual, that I realised how ad hoc the system is.

We need not only a well-resourced coroner service—it will take money to achieve that—but a system whereby sudden deaths are examined in detail and treated uniformly.

The difficulty at the moment is that if young people die suddenly during sport—for example, in a swimming pool, while riding a bike or even by falling out of a tree—their death is put down to an accident, when in many cases they died because their heart stopped beating. In a number of cases, the deaths of individuals in swimming pools have been put down to drowning—a tragic accident—rather than to sudden cardiac failure. It is important that we establish a standardised system for coroners throughout the country, so that cases can be referred and the data properly collected. I do not think that the data are properly collected at the moment. I hope that when the coroners Bill comes before Parliament in the autumn, the Minister taking the Bill through the House will meet representatives of CRY so that she can hear about issues that need to be included in the Bill, because I think that coroners, too, would be educated by some of the wealth of information that CRY has obtained.

The campaign to raise awareness is aimed not only at the general public, but at GPs. Some GPs clearly understand the subject, are on the ball and are aware of the referral process and what the possibilities are, but sometimes we expect GPs to be experts on everything, and this area is a specialism. Part of the work by the Department of Health could involve saying to GPs, "This area needs to be looked at closely." I talked to Alison Cox this week and discovered that only last week, CRY had a case involving a young chap of 27. He had visited his GP with swollen ankles and breathlessness and was treated for tonsillitis. Unfortunately, two days later he collapsed and died. Sadly, that is not an isolated incident. There are numerous cases of young people having presented with symptoms of cardiac arrhythmia, yet that has gone undetected. Levon Morland was diagnosed and more or less told to get on with his life, but there are simple procedures that can be followed. Pacemakers can be fitted and other things can be done that will ensure that people do not suddenly become another statistic in the long list that we already have. Trying to get that across to GPs is important, and that is one thing that the Department of Health can do.

It has been a great privilege to work with CRY over the past six years. It has been a great privilege to work not only with Alison Cox and her team, who are very dedicated and passionate about ensuring that young people do not become another statistic, but with the CRY families. Many people are cynical these days and say, "Oh, what can politicians or MPs do?" Well, as a Member of Parliament, if I can help to avoid one more family going through the tragedy experienced not only by Sandra and Jeff Morland but by the many families whom I have met through CRY, it will all be worth it.

9.53 am

Ms Dari Taylor (Stockton, South) (Lab): It is a pleasure to serve under your chairmanship, Mr. Olner. I congratulate my hon. Friend the Member for North Durham (Mr. Jones) on securing this very important debate. In March 2004, I had the great privilege of presenting to the House the Cardiac Risk in the Young (Screening) Bill. More than 100 hon. Members wanted to sponsor my private Member's Bill and, on the day, the Back Benches were reasonably full of Members speaking to the substance of the Bill.

As my hon. Friend stated, the Bill was inspired by the tragic death of Levon Morland. He was an energetic, athletic 22-year-old—a young man with his life before him. In fact, those were the words that his consultant used: "Get on with your life." He could have had an operation, but such operations are pretty nasty affairs and that was especially so at that time, so his consultant said, "Get on with your life." The fact is that he has no life to get on with. The heartache that that has caused his family has been monumental. The community and many of us who worked with the family, especially Jeff Morland, as a trade unionist, understood clearly the depth of the heartache that they were going through.

Inevitably, questions were asked again and again about the tragic death of Levon Morland. The belief was that it was a needless death, and the hope was that we could start to understand why he died when he had been diagnosed with Wolff-Parkinson-White syndrome and was receiving medical support. How on earth did it happen? Levon's death caused us to ask many questions, and we became more and more informed about the genetic inheritance of diseases that cause heart problems—cardiomyopathies—specifically in young people who are particularly athletic. As time went by, we understood more and more about such diseases, and with that understanding, we became more and more convinced that more widespread screening and easier access to screening would enable us all to understand the symptoms and the causes of that fatal heart condition.

Significant to that process was, without a doubt, Cardiac Risk in the Young and particularly Alison Cox, the founder member and chief executive of the charity. There was very close support from Dr. Sanjay Sharma, who is a heart specialist at Lewisham hospital. Those people put an enormous amount of time and energy into persuading politicians and the medical profession that there was a real problem with cardiac risk in the young that needed careful analysis and understanding. Once they had attempted to do that with the medical profession, they attempted to do it with politicians. We are never the easiest group of people to persuade of anything, but they convinced us that, with the appropriate screening and the right pathology, people would begin to understand the genetic nature of those diseases and, with that understanding, put together treatments that could be effective and prevent the needless deaths of young people.

That is where we started, and my hon. Friend the Member for North Durham clearly outlined much of the process that we went through, but it is appropriate to add that we managed to persuade the Department of Health. We got support from the Minister, but we also got support from Dr. Roger Boyle, who is the Government's heart tsar. He understood that there was a gap in the provision and in the understanding of cardiac treatments, and when I withdrew my private Member's Bill from the Floor of the House, I was offered a national service framework. For me, that became a medical model that would enable people to understand the symptoms that young people were expressing.

Those symptoms were often breathlessness disproportionate to action or blackouts or fitting, and medics, especially GPs, were keen to say that that was a problem of stress or asthma or had another cause. Slowly but surely, with Dr. Boyle and the national committee of experts that he set up, those myths were

[Ms Dari Taylor]

being exposed. We have seen that national framework introduce a process whereby individuals who experience episodes of sustained palpitations or unexplained impaired consciousness trigger in the health service either ECG monitoring or echocardiography. That begins to give medics an understanding of irregularities in the heart-beat.

The national service framework has also put together a suitable bereavement package, so that parents and families can understand what has happened, and through that understanding, they can begin to cope much better. Sudden death is a hideous thing to have to manage, especially in young people.

Added to that, we have the expert post-mortem, which is crucial. It is absolutely and profoundly valuable, because it centrally defines causation. Without it, we will not know what caused the heart attack. The post-mortem has resulted in a welter of research, explaining why Marfan's disease, Wolff-Parkinson-White syndrome and the whole group of cardiomyopathies occur.

With that knowledge, medical services are beginning to become much more specifically related to the needs of young people. We are starting to evaluate families that have had cardiac diseases; that is critical, because if there is a genetic trace, the children have a 50 per cent. chance of inheriting the disease. It is crucial to see the trace working.

All in all, I believe that the national service framework and the committee of experts have been working in a most persuasive way to enable us all to understand what is happening and what medical provisions should be put in place. I wish it were as perfect as I want it to be, but it is not. The charity, Cardiac Risk in the Young, and the Back-Bench group are constantly pressing for better local understanding. We hope that the national service framework is being fully implemented, but we are aware that it is not.

My hon. Friend the Member for North Durham said that, in Newcastle, people are still pressing for a piece of kit that will enable effective diagnosis. That has taken from 2004 to 2008. We are four years down the line: how many more children and young people have died? Four a week? Eight a week? That is the scale of the problem; it is also the scale of the need. Good work is being done, but there is more to do.

We are—specifically, I am—concerned that GPs still do not understand the symptoms that they often see; they are not quickly tying those young people into the effective medical processes that could diagnose and offer treatment. There are gaps in what is being delivered, but I assure the House that what is being delivered is infinitely better today than it ever was.

It is incredibly important that Alison Cox is a member of the expert committee. She is also the chief executive of CRY. It is impossible to say no to her. She is a fighter in every sense. If she thinks that what is happening is not appropriate, she will say so; and if it is appropriate, again, she will say so. I am delighted that she is a member of the committee. She is taking up the counselling process for all. Counselling takes place when a young person has died. We can all imagine how highly charged and emotional the situation can be. She goes in with her team and enables others to go in with their teams to explain and, we hope, to prevent the disease from occurring again.

Roger Boyle, another member of the national committee of experts, and Alison Cox have achieved—quite painfully, and with a serious fight—the recognition that cardiac risk can occur in the young and an understanding of why it occurs. That is a tremendous step forward. However, my hon. Friend the Member for North Durham is right that there is still scepticism. The absolute belief is that, to have a heart attack, one must be 50, fat and smoke fags. It is not true. One can be 15 and a seriously good athlete, with an inherited heart condition that could be fatal. It is about getting that understanding and that perspective. It is difficult to believe that someone who is so superb at his or her sport can have an inherited fatal condition.

Achievements to date have been excellent. I praise the work done on Teesside, most particularly at the James Cook university hospital in Middlesbrough. When my Bill was introduced and accepted by the Department of Health, the hospital had one electrophysiologist; it now has three. That is a great improvement. It widens access to specialist electrophysiology treatment, which is valuable. A cardiac genetics programme is also up and running. As I said, most cardiomyopathies are inherited, so the genetic relationship is crucial. That programme will therefore enable an understanding that, in some cases, but not all, genetics is the problem. Again, it is an incredibly valuable bit of kit.

Specialist nurses are being employed to support cardio-physiologists. Again, their work filters out into the community; it is explained to groups, young people in schools and parents what could happen if a young person has palpitations disproportionate to the activity that he or she is involved in.

We also have an arrhythmia clinic—a tremendous innovation. Sadly, it is available only in Redcar and Cleveland. I wish it were universally available, because it has a nurse-led team to do the screening. They support the work of the GPs, enabling them to understand when a problem is serious. They are incredibly valuable part of the complex delivery of treatment.

It would be totally inappropriate not to mention the charity, South Cleveland Heart Fund. The group works in the most persuasive way to raise funds. It has provided the James Cook hospital with an evoked potential mapping computer programme, which quickly diagnoses the problems being suffered by young people. It is a most valuable piece of kit. I offer the charity a big thank you; it is deserved. Again, however, a charity is raising funds to deliver essential national health service machinery. I do not criticise, but it tells us that, despite all the money that is being invested in the system, it still does not provide the answer.

The developments that we have seen in Middlesbrough are most valuable, but we still have a shortage of cardiac physiologists. There is a training process, but people have to be persuaded to become involved in that area of medicine, and a job still has to be done to achieve a full complement of cardiac physiologists.

In the past four years, we have seen the all-party group on cardiac risk in the young working in a very persuasive way. We are delighted with the work of the

Department of Health. The committee of experts is an incredibly valuable addition. Chapter 8 of the national framework is valuable.

It is disheartening that a tragedy should have been needed to persuade Parliament and the medical profession to take seriously the fact that young people can have fatal heart conditions. I wish it were not the case, but I hope that Levon Morland's family will accept that his tragic death has made us all wake up to the fact that we should include in the legislative programme the delivery of good health through a screening process and that we should have a greater understanding of what happens when sudden death occurs. I hope that the family accepts that it was not for nothing. It was not an accident but was caused by a fatal heart condition.

10.9 am

Annette Brooke (Mid-Dorset and North Poole) (LD): I congratulate the hon. Member for North Durham (Mr. Jones) on securing the debate and on his work for the all-party parliamentary group on cardiac risk in the young. I was pleased that he highlighted early-day motion 617 on arrhythmia awareness week, which was tabled by my hon. Friend the Member for Hereford (Mr. Keetch). I pay tribute to the hon. Member for Stockton, South (Ms Taylor), who has brought her usual passion to the subject today. She always carries me along with her.

Sometimes, we parliamentarians think that we do not make much of a difference, but this is an example of making a real difference by working together with charities and the Government. I congratulate all the charities involved, many of which arose out of an incident in a particular family—those families, who have suffered, have shown great leadership and support. Obviously, we are going to refer mostly to Cardiac Risk in the Young, but I should like to acknowledge the many kinds of fundraising throughout the country to purchase equipment and push for change. It all adds to the partnership.

As well as the high-profile sports cases that hit the national news, I am sure that many of us know of cases from our local areas. A rugby team from our local comprehensive school was touring in New Zealand a few years ago when a sixth-former suddenly died during play. Distance added to that tragedy and made the situation more difficult to cope with. It affected the whole of the community that the school serves.

The precise incidence is difficult to quantify, but CRY has estimated that eight young people die every week of unexplained cardiac arrhythmia—400 per year—and throughout, it has continued to campaign for universal electrocardiogram screening of children.

We know that a number of types of cardiac disease affect young people and that symptoms and severity can vary from person to person—some patients never have symptoms. Sudden arrhythmic death syndrome can cause unexpected sudden death during or after excessive exertion. The reason for the onset of symptoms is not really known, and no particular symptom or complaint is unique. Many do not even realise that they have a disease—not until a member of a family presents are other family members screened and found to have a condition. The disease can be hereditary, so if a parent presents, there is a 50 per cent. chance that each child will have the disease.

Statistics show that the loss of a child is the hardest loss for families to bear. More than half of marriages in which a child dies break down. In cases of chronic illness, families have the opportunity to prepare in some way for the loss of a child, but because the heart abnormalities responsible for cardiac death in young people often cause no symptoms before sudden death, there is additional shock. As Professor William McKenna, who set up a clinic at the Heart hospital, has pointed out, SADS deaths are preventable and their impact is disproportionately severe. He said:

"It's not like losing your grandfather at 92. Families fall apart."

The average age for sudden cardiac deaths is 17. I have been re-reading the 2005 national service framework for coronary heart disease—chapter 8—and it is fascinating to see how much of what we are saying today is in it. For example, the aim of quality requirement 3, on sudden cardiac death, is

"to reduce mortality from sudden death and improve services for families".

As the hon. Member for Stockton, South said, as well as the medical side of the matter, the bereavement package is absolutely vital.

National policies for heart screening vary from country to country—I was interested to hear the hon. Member for North Durham describe the Italian situation. In Greece, children are monitored from the age of four until adulthood, and in Japan, all schoolchildren are screened and given ECGs. I accept that screening across the board may not be feasible, but screening even of high-risk individuals is lacking—perhaps it is a postcode lottery, but I am not sure. All children with a family history of sudden cardiac death should be screened, as should children and young people who complain of palpitations and feeling faint.

Because the symptoms relating to sudden cardiac death, for example fainting or shortness of breath, are easily attributable to something else, such as asthma—it is easy to put that label on conditions these days—it is thought that the statistic of eight apparently healthy young people dying each week could be conservative. When the cause of death cannot be detected during a post-mortem examination, the inquest verdict can be incorrectly recorded as, for example, accidental death, asthma, epilepsy, which is sometimes misdiagnosed, or drowning.

CRY has campaigned for the screening of all secondary school pupils and offers screening to that group. When the Government issued their first NSF in 2000 describing the rights of patients, they did not acknowledge SADS, perhaps because only eight young people die of it each week, compared with the nearly 2,000 who are killed by coronary heart disease in the same period. Thanks to the work of CRY, the hon. Member for Stockton, South, who has shown great leadership on the matter, and many others, the chapter on arrthymia was added to the 2005 NSF.

I should like to pick up on some of the points that the NSF makes because, as has been said, a lot has been achieved in raising awareness, but it would be foolish to pretend that we do not have a long way to go. I compliment what has happened, but it is my job, on behalf of the Liberal Democrats, to ask the Minister where we are and what are the plans to take us forward.

[Annette Brooke]

The NSF states that

"it is particularly important that children and young people suffering from blackouts are expertly assessed".

However, that statement was made in 2005. Will the Minister give us an update on how many specialist blackout clinics are in operation? What processes are in place to encourage referrals for GPs, accident and emergency staff, and other specialists?

When I looked on the internet last night, I saw that a blackout checklist has been developed by Syncope Trust and Reflex Anoxic Seizures to help doctors and parents. How widely is it used? The framework also said that the majority of those cardiac deaths are genetic. How far are we proceeding on genetic testing?

The markers of good practice for children and young people state:

"Every child and young person receives age-specific preparation, treatment, support and follow-up...Transition to adult services does not automatically occur at age 16 but takes into account the individual needs and wishes of the young person".

How far are we moving along those lines? It is of course important to take on board the needs and wishes of the young person at age 16.

On delivering services locally, which was referred to, there are many occasions when the strategy at the centre is excellent, but we do not see changes on the ground. There is a long section in the NSF on what should be happening. It mentions

"guidance on making the initial diagnosis...improving access to a higher level of expertise"

and

"focused education of key carers".

It says that:

"Those with long-term conditions may be managed in primary care and some will require hospital follow up",

and mentions the idea that

"a multidisciplinary is key to...improved service"

and so on. My real questions, therefore, are where are we on the implementation of the framework and what plans do the Government have to take things further?

As has been mentioned, targeted screening has received some Government support. In February 2008, the Secretary of State for Culture, Media and Sport spoke at the 11 Downing street launch of the targeted screening campaign that was jointly organised by CRY, the Football Association, the Professional Footballers Association and the Football Foundation. That was around the time that Motherwell footballer Phil O'Donnell died, and his death not only gave us the impetus to highlight the issue of sudden heart failure, but got us into the mindset of seeing that young sportspeople should have a degree of screening.

The issue is how we extend provision to other sports activities. Most deaths do not involve high-profile sportsmen; many involve children whose lives might have been saved had the problem been diagnosed. The siblings and cousins of anyone who has died of cardiac failure have a significant chance of inheriting the problem. It is therefore of the utmost importance that they are screened and monitored for the symptoms of heart problems. The whole family may have the condition, and a second, third or even fourth shocking bereavement might occur if individual members are not checked—that has happened. It is shocking that 20 per cent. of people who die from SADS faint or black out during the previous year, while 25 per cent. have witnessed another sudden death in the family. The figures are there for us to see.

I congratulate CRY on making £300,000 available to coroners so that they can refer the case of a young person who dies suddenly of unknown causes to an expert cardiac pathologist, thus speeding up the inquest process and making parents aware of the genetic implications of what has happened to their child. In some ways, that might help families to come to terms with the loss of their loved ones, but it could also save the lives of family members and others who may be at risk. As other hon. Members have said, we must look for good to come from such tragedies.

The hon. Member for North Durham referred to the coroners Bill and he has urged us to see that there are ways forward. I, too, hope that Departments will liaise on this issue, because it is vital that they do so.

I was interested to read about the work done at the Heart hospital on family trees, and that is just one of the preventive measures of which we should make more use. More than half the individuals who have had family trees constructed are found to have a problem. I want awareness to be raised among GPs so that all children with a family history of sudden cardiac death are screened, along with young people who complain of palpitations or feeling faint.

The way forward is to pursue a step programme and gradually widen the scope of screening, and we have an opportunity to do that, because more and more young people are being encouraged to take part in sport in light of the Olympics. We could really add something to the preparations for the Olympic programme by making screening a special feature. That is worthy of consideration. We need to go step by step. If we do, we will perhaps reach CRY's aim of universal screening. It certainly makes sense to take a step-by-step approach within some sort of a time framework. We need to prevent the needless deaths of young people.

10.24 am

Anne Milton (Guildford) (Con): I, too, pay tribute to the hon. Member for North Durham (Mr. Jones) for securing the debate and for his work with the all-party group. I also pay tribute to the hon. Member for Stockton, South (Ms Taylor), who spoke with considerable passion, although I understand that she has to leave the Chamber for an urgent appointment.

I pay tribute to the work of CRY, which was founded in 1995 to raise awareness of cardiac risk in the young. The fact that people can take a personal tragedy of immense proportions and transform it into a campaign to raise awareness, seek solutions and prevent the same tragedy from happening to others is outstanding. The work, resolve and positive attitude of the families involved is worthy of our highest respect in this place.

CRY also offers families support and counselling, promotes heart screening and donates equipment. It has also launched what I understand is the first centre for sports cardiology in the world. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) mentioned bereavement support in particular, and the

consequences of not having adequate bereavement support for families can be profound. The incidence of marriage breakdown and of depression and mental illness among parents and siblings is often undiagnosed and left at the bottom of the list and it is often not associated with bereavement. Dealing with such problems can take up considerable NHS resources—not necessarily at the time, or in the first year or two after the loss of a child, but many years later. We often do not count the cost of not offering support in such cases.

Sudden cardiac death, which is dramatic, is thought to be caused by a heart condition that is brought on by exercise. We have heard a few statistics, but it is worth re-emphasising some of them. The hon. Member for North Durham said that sudden cardiac death is far more common than cystic fibrosis, which generally gets slightly more publicity. The figures for sudden cardiac death are, however, quite significant. Dr. Sharma, whom the hon. Member for Stockton, South mentioned, concluded that 395,000 people might have an undiagnosed condition that could trigger sudden cardiac death and that 130,000 of them are under 35. As had been said, that is often indicative of inherited cardiac disease. The Government have a real opportunity to prevent further tragedies by offering family members the appropriate care and screening.

The hon. Gentleman mentioned the association with sport. Like many people, I have a personal story. A good friend of my son's played football every Sunday, but his family came home devastated one day because this young, fit 24-year-old had suddenly collapsed and died. That is devastating for a family. Why do we feel that a sudden death is so acute because the young person was playing sport? As the hon. Member for Stockton, South said, this is not about people being fat and over 50 and smoking fags; it is about young, fit people and about tragedies that we could avoid.

The hon. Gentleman also mentioned death certification and coroners, and there is no doubt that the issue needs addressing. It is difficult accurately to measure the deaths caused by cardiac abnormalities because when tragedies happen and young people die unexpectedly, the cause of death is often given as accidental or as the result of natural causes. CRY commented:

> "In the UK unexplained 'sudden death', where there is no cause identified, is frequently classified as due to natural causes. Experts believe that the majority of these deaths are due to Sudden Death Syndrome or Sudden Cardiac Death. Until the law is changed and coroners have to refer hearts on to specialists we cannot find the true statistics."

Not knowing the case of death of an apparently fit and healthy young child or other family member must be agonising.

The UK's first ever fast-track pathology laboratory, which will help to analyse the causes of unexpected cardiac death in apparently fit and healthy young people, is very welcome. I gather that the unit, the CRY centre for cardiac pathology, is based at the Royal Brompton hospital, and was jointly established with support from Imperial college. The centre will allow coroners to refer cases directly and receive a full report on the cause of death, usually within two weeks. Currently families must endure a wait of anything from three to 18 months. One can only imagine how terrible that must be for them.

When I was at school—I am sure that many hon. Members will have similar stories—a young boy dived off the top board into the swimming pool, and was thought to have hit the bottom of the pool. I have no doubt, in retrospect, that it was an instance of the kind that we are discussing. I remember the top diving board being closed; it was a very long time ago, but there is no doubt that until we begin to find out accurately what causes such deaths of young people, we shall not make proper progress.

The hon. Member for Stockton, South, who presented a private Member's Bill, and the hon. Member for North Durham raised the issue of what we do in this place, and the work that is done by members of all-party groups. I stress that I, like them, am questioned by constituents about what we do when we are not in the Chamber. Often it is commented that the Chamber is very empty. Today's debate, in fact, represents the huge amount of valuable work that goes on almost behind the scenes, away from the glare of the television cameras. I am not sure whether doctors or MPs are the more difficult group to persuade. It is probably even-steven. It is often difficult to hammer home to hon. Members the evidence about an issue, and the truth of it—and is not it curious that it is often difficult to hammer it home to doctors too? We are probably as bad as each other, but that is why the work of CRY has been so invaluable.

The hon. Member for Mid-Dorset and North Poole mentioned the national service guidelines. Chapter 8 sets out clearly:

> "When sudden cardiac death occurs, NHS services should have systems in place to identify family members at risk and provide personally tailored, sensitive and expert support, diagnosis, treatment and advice to close relatives."

In a CRY survey carried out in March 2006, 97 per cent. of PCTs said that they had failed to develop a strategy for implementing any of the NHS guidelines outlined in chapter 8. Some progress has been made, and we must compliment the Department and the Government for that, but it has been very slow and turgid. Another CRY survey, from 2006, which was carried out in partnership with the all-party group, showed that 13 PCTs were taking active steps to review and improve their services. I hope that the Minister will bring us up to date and demonstrate what progress has been made, and how things are moving ahead.

The issue of specialist nurses has been raised. The Royal College of Nursing published a survey this week: 330 specialist nurses had been contacted, and there was still talk of vacancy freezes and redundancy. There are also numerous anecdotal accounts of specialist nurses having to undertake general ward duties, so that although on paper they show up in a head count as specialist nurses in practice, they do not spend time in their specialism. There is no doubt that specialist nurses can make a crucial difference. Working with cardiologists they can have a significant impact. The issue of GPs and diagnosis has been mentioned several times. Continuing education and the raising of awareness among GPs is exactly the sort of work that specialist nurses can do. The picture is not dissimilar with respect to conditions such as epilepsy. Children with epilepsy are left undiagnosed for months or perhaps even years because teachers and GPs are not aware of the implications of something that the parents or child might describe in terms that would not necessarily suggest a more serious problem.

I want to finish by asking the Minister what she is doing, what impact the debate has had on her thinking, and what she will do to encourage PCTs to do more to

[Anne Milton]

implement the national service framework. Time and again charities and organisations welcome, as CRY has done, guidelines and documents; but precious little happens by way of implementation. With every week that goes by without the implementation of the guidelines, another child dies and there is a personal tragedy for the family. The implications of that tragedy will probably go unrecorded, but the family will be left with the enduring suffering that they will have to bear for the rest of their lives.

10.36 am

The Parliamentary Under-Secretary of State for Health (Ann Keen): I congratulate my hon. Friend the Member for North Durham (Mr. Jones) on his success in the ballot, and I am grateful to him for continuing to raise awareness of this important subject, particularly through his work as chairman of the all-party group on cardiac risk in the young. I pay tribute to the group's membership as a whole.

Every young death is a tragedy, but when that death occurs very unexpectedly in an apparently fit and healthy young person, in the prime of their life and with so much to look forward to, the impact is much greater. Hon. Members have expressed that passionately today. In this day and age, we have come to associate death with increasing old age. When young people are struck down before their potential is fulfilled, without the time for their families and friends to adjust and say goodbye, and when the fear that another family member may have inherited the same potentially fatal condition is added, the stress on the grieving family is almost impossible to imagine.

Most sudden deaths in young people occur, as we have heard, as a result of an inherited cardiac condition. It is often difficult to detect the risk beforehand, because the person will probably not show any symptoms. That makes it very difficult to find proactively everyone who would benefit from targeted support and treatment. As an absolute minimum, when a tragic sudden death occurs, we must do everything that we can to determine the risk to other family members and ensure that they receive the best advice, support and treatment.

Chapter 8 of the coronary heart disease national service framework, which was launched in 2005 and covers arrhythmias and sudden cardiac death, is the Government's statement of intent for the development of those services. It states that, when sudden cardiac death occurs, NHS services should have systems in place to identify family members at risk and provide personally tailored, sensitive and expert support, diagnosis, treatment, information and advice to close relatives.

I will in a moment cover some of the key progress that has been made since chapter 8 was launched, but I want first to pay tribute to those whose hard work resulted in the launch of that important document. It is widely recognised that chapter 8 might not have come about without the considerable efforts of Alison Cox of Cardiac Risk in the Young, who I am proud to say was awarded a well-deserved MBE last year. My hon. Friend the Member for Stockton, South (Ms Taylor), who has apologised for having to leave to attend a Committee and who spoke passionately today, and the hon. Member for Mid-Dorset and North Poole (Annette Brooke) are also very able people who have contributed to chapter 8. We are keen to ensure that ownership of the policy is retained by all who had a hand in its conception and development and that they are encouraged to work together on its implementation. We are delighted that Alison Cox and other members of CRY, along with other patient organisations such as SADS UK, the Cardiomyopathy Association and the Arrhythmia Alliance, continue to be involved in the implementation of chapter 8 nationally and locally.

On the day that I was appointed to this post, I was fortunate enough to be invited to speak at a CRY parliamentary reception. I have endeavoured to follow the organisation's progress closely ever since and to lend it whatever support I can. It is a privilege to be the Minister responsible for cardiac services, but with that privilege comes great responsibility. I hope that I can explain some of that work in my reply.

As well as working with the Department of Health and other national organisations to develop high-quality cardiac services for young people and their families, CRY provides significant funding to help join up and fast-track the complex range of services necessary after a sudden cardiac death to determine the risk to other family members, which is very important. In addition, CRY provides funding for research into heart conditions and has recently established, in collaboration with the Royal Brompton hospital, the CRY centre for cardiac pathology. CRY and all those involved in the development and ongoing implementation of chapter 8 are to be congratulated.

It is important to recognise how complex this clinical issue is. Families who have lost a loved young person and may themselves be at risk from a familial heart condition need access to specialist services provided by a range of different professions. If families are to be assessed properly and get the right information, support, care and treatment, the different professions need to work together. Getting the various service elements to complement each other takes time, and some might say that the development of such services has been slow, but it is important to recognise that many significant developments have taken place since the launch of chapter 8.

Under the auspices of the Royal College of Pathologists, pathologists and cardiologists have established a UK network of specialist cardiac pathologists to ensure that coroners can call on the right expertise in suspected cases of sudden cardiac death. My hon. Friend the Member for North Durham praised Dr. Mary Sheppard, and I add the Department's praise for her work. The Department of Health recently funded the establishment of a database to record information on cases referred to those specialist cardiac pathologists; £35,000 was made available. The database should provide invaluable information on where and why such deaths are occurring and what specialist pathology is sought and provide cardiac pathologists with a local audit tool. My hon. Friend asked whether I would meet the relatives; of course I will, to gain as much information and knowledge as we can.

At the other end of the spectrum, the Department of Health issued a document in March 2007, setting out a blueprint for the development of specialist inherited cardiac conditions services in the NHS. We are working

with service commissioners and providers to ensure that all who require a risk assessment for such conditions get a comprehensive assessment from a service with all the necessary expertise and knowledge, but it is what happens between the coroner's involvement and assessment and treatment at a specialist centre that is crucial and needs to be better co-ordinated. Organisations such as CRY have made an enormous difference through patient awareness and bereavement support and by linking directly to specialist NHS and wider services. However, the Department of Health, with other stakeholders, is currently working with the British Heart Foundation to determine how the pathway for those at risk can be better co-ordinated.

The hon. Member for Mid-Dorset and North Poole mentioned specialist blackout clinics, which are being developed across the country. Manchester in particular has a specialist unit, from which many other units are learning and gaining expertise.

Anne Milton: When does the Minister expect those specialist centres to be available to people throughout the country? There is concern in many areas that services are patchy. It is important that they should be rolled out and available to everyone.

Ann Keen: Such services are being developed across the country. They are at different levels of development, of course, as I am sure the hon. Lady appreciates. To sum up today where we are with them is not possible. Every clinical expertise develops at its own pace. Best practice at many centres is being considered. As I mentioned, Manchester has the ability to offer best practice to other centres in progress. Important developments have taken place. The developments promoted by organisations such as CRY are the building blocks—or steps, as were mentioned—for a better-quality service for those who need it.

I mentioned that an absence of symptoms can make it difficult to determine who may be at risk from one of the inherited conditions that could result in a sudden cardiac death and what that risk may be. There have always been arguments for and against the national screening of population groups for inherited conditions. My hon. Friend the Member for North Durham mentioned the important possibility of considering what medical assessments could take place in secondary school. That is something that we could and should consider; it is a valuable contribution to the debate.

The UK National Screening Committee has reviewed the evidence for screening for the most widespread inherited cardiac condition—hypertrophic cardiomyopathy—on a number of occasions and is doing so again. However, the committee has always concluded that there is not enough evidence to warrant either a blanket screening programme or one targeted specifically at those groups thought to be at high risk, such as young athletes. If a person is found to have an inherited heart condition, it may never affect them. Also, if they are involved in sporting activities, there is little evidence to suggest that removing them from that environment will either reduce or increase their risk of dying suddenly from the condition. A person who tests positive will therefore face significant dilemmas. Should they continue the career that they have mapped out for themselves? Should they start a family? They can also be penalised financially with higher insurance premiums. Those are some of the hard facts that would be faced by those screened.

Whether or not widespread screening takes place, we must encourage and support any initiative that raises awareness of inherited cardiac conditions and gets people to question whether they may be at risk. That might involve people simply asking themselves straightforward questions about the health of living and deceased relatives and deducing whether there might be a risk. My hon. Friend the Member for Stockton, South mentioned the James Cook university hospital in Middlesbrough and the work taking place there. Without question, I endorse the work of specialist nurses in that area.

Anne Milton: Does the Minister therefore share my concern about the Royal College of Nursing report that I referred to, which deals with the number of specialist nurses facing frozen vacancies and redundancy?

Ann Keen: The hon. Lady raises the issue constantly as though we were not considering it. Of course, everybody is concerned about the reports that professional bodies, such as the Royal College of Nursing, bring to the table, but I think that she would agree that, at this time, all the specialist nurses in the country are being used as effectively as they can. That trend is only growing, and I am sure that she would want to represent it positively.

Parents of physically active children might want them to undergo a clinical test, having weighed up carefully the pros and cons associated with such an action. If the family decide that they want to have a personal test carried out, CRY can offer that service, for a small fee, along with all the necessary information and support.

This country has about 6 million footballers, ranging from those who have a kick about—one with whom I live was having one this morning—at the weekend to professionals. I was delighted to be part of the recent launch of an initiative promoted by my right hon. Friend the Secretary of State for Culture, Media and Sport, and hon. Members referred to the reception held recently in Downing street. It is imperative that we work in partnership with a number of organisations, including CRY and national football organisations, to promote awareness of such conditions. The initiative also raises awareness of the excellent services that CRY offers, giving people the choice of personal testing if they wish to exercise that choice.

In conclusion, we heard the statistics for young people and their families: we are told that eight young people die every week, which is such a tragedy. The heartache of all concerned is well-recognised by hon. Members here and those of the all-party group on cardiac risk in the young. We have a long way to go in the development of services, but I believe that, in the spirit of the all-party group, we have made progress, as has been mentioned by most hon. Members today. For those at risk of an inherited cardiac condition, we need to do, and have done, so much. We must thank stakeholders more widely and recognise the way in which everyone has worked together. My hon. Friend the Member for North Durham mentioned the Olympics being used to raise awareness, which is a very positive initiative that we should consider further.

Annette Brooke: A tremendous push and a large amount of resources seem to be coming from the charitable sector. It would be nice if the Minister gave us further assurances that the Government will play an equal role in pushing this agenda.

Ann Keen: I hope that I have made it clear that we are working in partnership. My hon. Friend the Member for Stockton, South mentioned the important and positive work carried out by Roger Boyle and the Department in partnership with stakeholders. I understand why the hon. Lady feels the need to push me on this, but I can assure her that hon. Members need not do so: we are working very positively with CRY, and will continue to do so with all stakeholders. No one can have been unaffected by what they have heard here today. However, most importantly, we must give a big thank you to the families for the positive way in which they are always willing to work with us. That must be the end statement of this debate. I pay great tribute to those very brave people who are assisting future generations in this country.

10.53 am

Sitting suspended.

Counter-Insurgency (Iraq/Afghanistan)

11 am

Ann Winterton (Congleton) (Con): I begin by expressing my condolences to the families and friends of the three young soldiers of the 2nd Battalion the Parachute Regiment who were killed by a suicide bomber while on foot patrol approximately a mile from their base in Helmand province. I am sure that everyone present will join me in sending our deepest sympathy to their families and friends, who are very much in our thoughts and prayers.

I am delighted to have secured this important debate on a subject of the utmost importance. I believe that it deserves more than an hour and a half, but judging by the number of people present, we might have difficulty filling an hour and a half. I intend to discuss the directional objectives, structures and strategy of our armed forces, as well as the benefits to our nation and the financial cost involved. All those issues will be considered in relation to the type of equipment that the armed forces use at present or will use.

It is good timing and appropriate to the debate that the United States Secretary of Defence, Robert M. Gates, gave a speech to the Heritage Foundation in Colorado Springs, on 13 May, outlining the theme that I have been pursuing for the past four years. His speech was perhaps best summed up by Reuters, which paraphrased him as saying:

"The US military should focus more on winning in Iraq and preparing to fight other insurgencies and less on possible big wars with other countries".

Gates himself said:

"I would stress that the perennial procurement cycle—going back many decades—of adding layer upon layer of cost and complexity on to fewer and fewer platforms that take longer and longer to build must come to an end."

He also said:

"I have noticed too much of a tendency towards what might be called 'Next-War-itis'—the propensity of much of the defence establishment to be in favour of what might be needed in a future conflict."

If the US Defence Secretary is thinking that way, what are we doing in the UK? Should we not pursue a similar line, or at least give that line appropriate consideration?

In an article in the *Financial Times* of 17 May, the Ministry of Defence was cited as stating:

"We are determined to do more to support our people here and on the front line. To do that, we need to better prioritise our spending plans. The examination of the equipment programme will focus on two issues above all: bearing down on cost increases to the equipment programmes; and rebalancing the equipment programme to better support the front line".

In spite of the two split infinitives, I heartily support that statement.

The problem is that we do not know in which direction the military are looking. The only clue that we have had to date came from the Army in this month's *Soldier* magazine, in which the Chief of the General Staff, General Sir Richard Dannatt, is quoted as saying that Piranha V heralded the

"start of a new era"

for the Army. He also said:

"It maintains the progress of the Fres programme, which is my highest priority after support to operations. This will form the backbone of the Army's future armoured vehicle requirements. While our protected personnel vehicles such as Mastiff are a very successful addition to meet specific operational requirements in

both Iraq and Afghanistan, the Fres medium-weight capability will allow the Army to conduct a wider range of operations in an uncertain and changing world."

Those who have read Robert Gates's speech will know that that is exactly the type of thinking that he is challenging. Let us have it spelled out exactly what sort of operations we are expecting in the future—or is this a case of next-war-itis?

General Dannatt, Lord Drayson—the former Minister with responsibility for procurement—and the Secretary of State himself have all stated that FRES, future rapid effect system, vehicles will play a dual role for high-intensity warfare and counter-insurgency. Although I believe that equipment that has been designed for counter-insurgency can be used successfully in high-intensity warfare, I do not believe that the reverse is necessarily the case, for reasons that I shall give.

Using Afghanistan as an example, it is not difficult to predict, in any counter-insurgency warfare, that if the insurgents are heavily defeated in straight-on conflicts, they will resort to other tactics such as the use of various explosive devices. The MOD has responded to that threat by purchasing Mastiff, Ridgeback and Bushmaster vehicles, and I pay due credit to the Secretary of State for taking such vital procurement decisions. There are now 282 Mastiffs, 157 Ridgebacks and 24 Bushmasters. In total, 463 such vehicles are ranged against 169 Vector Pinzgauers, which are fast cross-country vehicles but are not designed to protect soldiers from mines or improvised explosive devices. There are 180 mobility weapon mount installation kits, or MWMIKs—known as Jackals—and 2,000 proposed Piranha V vehicles. I emphasise that those vehicles are proposed, because they have not yet been built. That makes 2,349 vehicles in all. With the best will in the world, one could hardly say that that is a very balanced mixture, bearing it in mind that the whole future Army structure is geared to the latter type. I would hardly call that situation "making present operations the top priority".

However, I take heart from a recent answer from the Minister that future requirements for the Mastiff and other vehicles of that type will be reviewed when operations in Iraq and Afghanistan have been completed. However, as we are likely to be in Afghanistan for the long term, that could realistically be at least 20 years down the road. How many more conflicts of that nature will the UK be engaged in or have been engaged in by then, with 2,349 vehicles that are not particularly suited to purpose—they are in storage or tying up manpower—compared with 463 vehicles that have a proven track record in counter-insurgency operations?

Mr. Philip Hollobone (Kettering) (Con): I congratulate my hon. Friend on her impressive speech on this important topic. May I draw to her attention a recent answer that I received from the Minister about the impact of IEDs and mines on our armed forces in Iraq and Afghanistan? It is distressing, is it not, to learn that the

"percentage of fatalities of UK service personnel resulting from improvised explosive devices or mines is 27 per cent. for operations in Afghanistan and 28 per cent. for operations in Iraq"? [*Official Report*, 28 April 2008; Vol. 475, c. 58-59W.]

Ann Winterton: I am grateful to my hon. Friend for that information. That is an extremely distressing situation, about which I hope the MOD and the people of this country are highly exercised.

Mr. Kevan Jones (North Durham) (Lab): I accept those statistics, but does the hon. Lady not agree that it is important to consider the period that those statistics cover? The last time I was in Basra, I saw a Mastiff vehicle that had driven over an IED, in which the crew had survived. The Mastiff was good news and has clearly led to a reduction in casualties from IEDs.

Ann Winterton: I am one of those who have pushed for V-shaped hull vehicles, knowing full well that the use of such vehicles in counter-insurgency operations saves lives. The Mastiff, which was designed by a British fellow who used to serve in the armed forces in this country, has been a tremendous success. The point that I was making, which the hon. Gentleman appears to have ignored, is that we have too few such vehicles for the present engagements in which British forces operate. That was the main point of what I was saying before my hon. Friend the Member for Kettering (Mr. Hollobone) intervened.

The Minister for the Armed Forces (Mr. Bob Ainsworth): The hon. Lady is raising important issues to which I know she gives a lot of thought. She puts only three vehicles on the right side of the line by which she wishes to expose a lack of balance: the Mastiff, the Ridgeback and the Bushmaster; she puts all the rest on the wrong side. We cannot conduct effective operations in Afghanistan with only those three vehicles. No commander can do that.

Ann Winterton: I thank the Minister, but I was not in any way suggesting that we could do that. If he waits a little and lets me proceed with my speech, I think that he will see that my line of argument can be justified and should be considered. I have certainly painted a stark picture, and it has to be addressed as a matter of urgency, particularly by the top brass of the military.

The key to the dilemma lies in the Minister's parliamentary answer in which he mentioned the Mastiff

"and other vehicles of this type". [*Official Report*, 2 June 2008; Vol. 476, c. 683W.]

There are two very different designs to cope with various explosive devices. As he knows, one is based on blast deflection and the other on blast absorption. The first type encompasses the 463 vehicles whose shell is part of their armour in a V-shaped hull. The designers and engineers use the principles of basic physics to allow the vehicle to deflect a blast. The downside is that the resulting vehicle is somewhat butch in looks and taller, but it is perfectly acceptable in today's conflicts. The upside is that the vehicle can take punishment, as the hon. Member for North Durham (Mr. Jones) said and as we know, that it can be easily repaired after massive explosions and that it is therefore quickly back in action. Very often, such vehicles are cheaper, more rugged and last for the long term.

Let it never be forgotten that the Mastiff is carrying out successful roles for which it was not initially designed or intended, and has become a front-line armoured attack vehicle. I understand that the Secretary of State himself was recently taken through Basra in one, and we know that his safety is of paramount importance.

The second group of vehicles to which I referred—all 2,349 of them—are designed for blast absorption. The Vector, which I understand from a recent parliamentary

[Ann Winterton]

answer is due to be taken out of service by 2015, has the driver sitting right up over the front wheels and is a death trap in which lives have sadly been lost. The Jackal is a slight improvement, with the driver sitting inside the front wheels, but it has had to be armoured, adding 42 per cent. to its unladen weight at a cost of £83,000 a vehicle. That is similar to what happened with the Land Rover. Armour was added to the chassis, increasing its weight.

Finally, there is Piranha V, which is incredibly expensive. Its weight, with all the additions, will creep up from 27 tonnes to more than 30 tonnes. The Canadians have had problems with their Piranha III, a lighter version, becoming bogged down in Afghanistan. If the appliqué armour is penetrated, the vehicle is a write-off. That is acceptable in high-end warfare, but when it happens in counter-insurgency engagements, the ground has to be secured in order to try to salvage the vehicle. With nightfall, unless many troops are to be tied down, the vehicle has to be abandoned, with a subsequent massive write-off in value.

It has soon been forgotten that the original concept of FRES was a network-enabled system of vehicles that would engage the enemy at a distance. The new FRES does not meet those objectives. As I have pointed out on numerous occasions, in the kind of warfare that our troops are encountering now, the enemy is not at a distance and is often indistinguishable from the local population. The danger is all around them.

I imagine that the powers that be have noticed how many attacks occur either at a pinch point or near base, usually when a patrol is returning. I happen to agree with Robert Gates and believe that future conflicts in which the United Kingdom will be involved are likely to be similar to the present ones. I contend that UK troops will need considerably more of the type of vehicles of which we have 463, and perhaps considerably fewer of the others, if they are to be successful in future with minimum loss of life. I trust that the Minister will make an argument as to why the vehicles of which we have 2,349 are so numerous, when others are more suited to present day warfare. The case needs to be made by both the Government and the military. The morale of our troops is based to a great extent on having the right tools for the job, and at present the jury is well and truly out. The solution, which is staring us in the face, has not yet even been recognised.

The cost of the proposed 2,000 utility vehicles is £6 billion. It is time that someone in authority told us what the objective is for them to achieve, and in what type of conflict. Moreover, why are there only 463 of the vehicle type of which the first 108 Mastiffs have been hailed as an outstanding success?

Mr. Kevan Jones: I am listening carefully to what the hon. Lady is saying. Is it not the case that the commanders need a range of different vehicles? Anybody who has actually seen a Mastiff knows that it is quite a large beast that is perhaps not usable in some terrain in Afghanistan, for example. Commanders need a range of vehicles, including lightly armoured vehicles that, with the best will in the world, could not be armoured to a greater degree because the terrain that they cover means that they need to be quick. If they were armoured up, they might be unusable.

Ann Winterton: The hon. Gentleman, who serves with distinction on the Select Committee on Defence, raises another old chestnut that is mentioned time and again. Of course there must be a range of vehicles. I thought that I was arguing that the range seems to be rather heavily biased on one side, and that there has not been strategic thinking by either the military or the Ministry of Defence about what may be required in future better to serve the interests of this country and our soldiers by preventing deaths in counter-insurgency operations.

What insurgents aim to achieve is to make us send home as many body bags as possible. Their main task is to defeat whom they would call the "invaders" and to make the "invader nation" withdraw its forces by having an impact on public opinion in its country, leaving them a better chance of taking over. As for the concept of vehicle design and construction, ask the drivers which vehicles they would prefer if they want to stay alive, not be crippled, and avoid being in a body bag and becoming yet another triumph for the insurgents to gloat about.

In order to defeat any insurgency, it is necessary to train the host country's own military forces so that they can deal with the problem and protect their own people. That is happening successfully in Iraq and Afghanistan; their armies are doing a great job and allowing our forces gradually to be withdrawn. More often than not, the host country's forces have the same vehicles as ours, and in some cases better ones. For example, Iraqi forces have a variant of the Cougar and armoured Humvees. The Afghani forces lag slightly behind, probably for good reasons; they use Toyota trucks. Such parity ensures that there is no feeling of inferiority and that the host country's troops are on a par with the UK troops who are training them.

When we come to the Royal Air Force, I fear that the contrast is extreme and the situation nothing less than an unmitigated disaster. For Afghanistan to succeed after the withdrawal of UK and other troops, it must have sufficient air power. Yet can hon. Members see us training the Afghan air force to use the Eurofighter, an aircraft that was never designed for ground attack? We are using equipment that we have been landed with for the sake of using it and because the UK does not have anything more practical to use.

I have argued long and hard that in counter-insurgency situations, turboprop aircraft, which the host country's pilots can be trained to use alongside our own pilots, are the most suitable aircraft. However, in a similar way to the arguments about vehicles, the powers that be compare single or double-prop aircraft with fast jets and do not consider the practical alternatives. Our pilots train on the Tucano, so what is wrong with a ground attack version?

Let me reinforce the point. Fast jets have to sit at suitable bases that are limited in number. It could take 20 to 30 minutes for them to get into the air and to reach the target, which they cannot see, given the speed they fly at, so they have to rely on a forward air controller. Obviously, they do not stay long over the conflict area. By way of contrast, a prop aircraft can loiter overhead giving surveillance cover, because it can see exactly what is happening on the ground. A prop aircraft can attack accurately within a minute or two and give genuine air cover. What an advantage that would have been over these last few years.

Equally, reconnaissance operations should have their own aircraft, such as the Pilatus Porter PC-6, which can operate with the patrol being able to land and take off within very short distances indeed, acting as an evacuation carrier and a general supply vehicle. These aircraft should be operated by other ranks within the Army, and we should learn the lessons from other successful counter-insurgency forces such as the Rhodesians, whom I have referred to in the past and who were extremely successful.

There is a constant shortage of helicopters, yet the Merlin is a very good, if extremely expensive, helicopter. The RAF's Mk 3 Merlins cost £19 million each, and the six Danish ones cost £29.3 million each and £34,000 an hour to run. I repeat that figure of £34,000 an hour to run to my hon. Friend the Member for Newark (Patrick Mercer), who, judging by his expression, slightly doubted or queried what I said.

Patrick Mercer (Newark) (Con): Not doubted, but queried.

Ann Winterton: Often, the attitude seems to be that the UK needs the best to cover every eventuality, and therefore the nation will cough up the funds for that. Once again, however, that is exactly the attitude to which Robert Gates referred and it is one of the reasons why we are so short of helicopters. Similarly, 12 Type 45 destroyers were ordered but only six are to be delivered, which is a direct consequence of high costs. The military are not living in the real world if they believe that they can have anything at any price, and that is one of the reasons why the UK is short of what it actually needs.

According to the Ministry of Defence, in February the serviceability of the Mk 3 Merlin was 50 per cent. against a target of 70 per cent., which was only beaten by the Navy Mk 1, the serviceability of which was 41 per cent. Similarly, the serviceability of the Sea King Mk 4/6 Navy version was 45 per cent. against a target of 65 per cent. I repeat: platforms are needed across the board for counter-insurgency that are simple, robust and will last in the long term. Yes, they must also carry the latest technology, but at the same time they must be as simple as possible to maintain. It is not practical to have overly complicated, highly technical platforms that require massive back-up to remain operational and are unsuitable for training the host nation's forces. I sometimes think that the military have been seduced by the European Union agenda and the possibility of having gleaming, highly technical toys with which to fight a conventional all-out war.

I have not mentioned the Navy, Mr. Olner, because it is not a subject about which I have particular knowledge.

Mr. Bill Olner (in the Chair): Afghanistan is a bit outside the reach of the Navy.

Ann Winterton: Yes, the Navy is outside Afghanistan, but I believe that it is worth mentioning en passant.

One must ask why we need the two aircraft carriers, including the accompanying aircraft, which will soak up so much of the budget. The only conclusion that I can arrive at is that they will pack a considerable punch and can act as a deterrent to prevent conflicts from breaking out and escalating into major warfare. However, the price seems to be very high in the reduction in the number of frigates and destroyers, and thereby in the UK's ability to have a Navy presence around the world to guard our shipping routes. Should we not also be looking at the other end of the spectrum and procuring more inshore patrol craft?

I propose to finish by discussing two important subjects: finance and the benefit to the nation of a sound defence policy. Whichever party wins the next general election, some very large financial commitments have been made by this Government that will come into effect during the period from 2010 to 2015. If the military believe that they will get more money out of a Conservative Government, I think that they are deluding themselves. That extra money is not likely to be forthcoming, bearing it in mind that the country will probably be broke by then. I hasten to add that I speak, of course, as a Back Bencher and there may be those who disagree. However, I have always believed that it is best to face up to the worst-case scenario in order to plan for the future.

The mantra that our armed forces are underfunded is often repeated—indeed, there is some truth in it—but how the money for our forces is spent also needs to be challenged and I believe that it is a pertinent issue. I have pointed out in previous debates that the wastage in the defence budget has been enormous, mainly due to unclear or ulterior motives and objectives.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): I have certainly been following closely what the hon. Lady has been saying. She seems to be making an important technical point about a lot of the equipment, and she is right to say that we should cut our cloth according to our means. Does she not think that an important feedback is that foreign policy should also be aware of the capability of our defence policy? If that were the case, we would not have walked away from Afghanistan too soon and moved on to Iraq without finishing the job that was to be done in Afghanistan, and without focusing our resources to see through the task that we had gone there to do.

Ann Winterton: The hon. Gentleman makes a very good point. Of course foreign policy and defence policy must be intertwined at some stage; indeed, it is absolutely essential for the benefit of this country and for our ability to engage elsewhere in the world. I would add that it is very sad that it is the UK, the Canadians and others, including the Americans, who seem to play the major role in Afghanistan, while so many other countries within the European Union, for various reasons of their own, do not pull their weight. The time is fast coming when that balance will need to be changed.

If, as I believe is happening, we are funding "next war-itis", present operations will either be starved of cash or denied the most suitable platforms in sufficient quantities at the time when they are most needed. I believe that the MOD is doing its best to learn from recent hard lessons, but it has not been much helped by certain factions within the military.

We rely on our armed services for the defence of the nation and of the people of the UK, whom we as MPs have the honour and responsibility to represent in Parliament. In my view, it is highly unlikely that any force will directly attack our shores; instead, the threat to us now is far more subtle and difficult to counter. The enemy is within and around us, and we cannot

[Ann Winterton]

always differentiate between friend and foe. As the Paras have tragically experienced recently, terrorism is the greatest evil and we have to be better prepared to defeat it, not least because the United Kingdom needs a stable world for trade, which is the lifeblood of our economic survival.

I share the belief of Robert Gates that the top military and political priority should be the success of COIN, or counter-insurgency, operations, to ensure that the breeding grounds of instability in the world, which are the greatest danger to our people, are neutralised. It is within that sector that British forces could excel and, indeed, are excelling against the odds. It is up to the military to explain where their priorities will lie in future, from a basis of the Government of the day giving clear directional leadership.

The United Kingdom is no longer a global power and, unlike the Americans, we cannot afford two armies—one for counter-insurgency and the other for conventional warfare involving large-scale manoeuvres. I believe that we should concentrate on undertaking counter-insurgency and similar operations exceptionally well, rather than diluting our efforts and resources. We should face facts and recognise that the United Kingdom can no longer fulfil all its aspirations as far as defence is concerned, and that stretched resources and manpower will limit what we can achieve in the future.

Several hon. Members *rose—*

Mr. Bill Olner (in the Chair): Order. Two Members are standing to speak. I advise Members that I intend to start the winding-up speeches at 11.55, to give the two Opposition spokesmen 10 minutes each and the Minister 15 minutes. Could Members govern their speeches by that?

11.30 am

Mr. Kevan Jones (North Durham) (Lab): It is a pleasure to serve in a second debate this morning under your chairmanship, Mr. Olner.

I am always wary of politicians becoming armchair generals. It is clear that the hon. Member for Congleton (Ann Winterton) sits at home at night going through statistics and, obviously, gaining a vast knowledge about various pieces of kit and then moving them around some fancy battlefield on her kitchen table. From my experience of visiting Iraq five times and Afghanistan on three occasions, I do not think that what she said is realistic or reflects what is happening on the ground.

We need to look at what has happened during the past 20 years, or even the past seven years. The hon. Member for Newark (Patrick Mercer) and I were elected in June 2001. I do not think that most people at that time would have foreseen that, seven years later, Britain would be in both Afghanistan and Iraq. There has been rapid change. Of course, I agree with the hon. Lady in one respect: we have to get our military and the Ministry of Defence moving at a quicker tempo.

Change will come. We have certainly seen it in the vehicle types used in Iraq and Afghanistan, where we have moved away from the lightly armoured vehicles used in the early days. We have had to respond to counter-insurgency improvised explosive devices and enemies that—let us be honest—are not stupid or foolish. They are developing not just tactics to attack our forces but technology. We should not think that, just because people live in the caves of Tora Bora, they are not also using the latest technologies and techniques of counter-insurgency. An aspect to which we do not pay enough attention—the hon. Lady mentioned this—is the way in which our enemies use the media and the internet to get their message across.

The hon. Lady is right about some of the equipment failures in the early days. There were questions to be asked, but we have responded to what was happening. As she and the Minister know, I am not afraid to criticise the MOD when it gets things wrong. In the past few years, vehicles such as the Mastiff and other urgent operational requirements have been put into theatre quickly, and lessons could be learned from that for other procurement processes. When we actually need pieces of kit, we can get them into the field quickly—industry is up to the challenge—so why can we not do it on other occasions?

On the future rapid effect system, the hon. Lady and I are the two anoraks in Parliament. We have both been asking questions about the process. Frankly, it is a farce of a programme. It has gone on far too long, and it has been chopped and changed. As the hon. Lady knows, I have asked several questions, as she has, about FRES. The MOD may wonder why those two anoraks are asking all those questions, but, to be honest, there are issues not just about delivering kit to our armed forces but about value for money, which she rightly raised.

Mr. Mike Hancock (Portsmouth, South) (LD): I am sure that the hon. Gentleman will agree with me about this. When looking at FRES, the Defence Committee learned that the military could not make up their minds about their requirements. They continuously changed their minds, and pressure was created because nobody had a clear indication of what was actually needed. The Defence Committee should take some of the credit for getting the military to look differently at how they were assessing their requirements.

Mr. Jones: I agree with the hon. Gentleman, who serves on the Defence Committee with me. The hon. Member for Congleton mentioned in her speech something that we should do. There is a tendency for the Army and others to hide behind politicians, but the hon. Gentleman is correct that, in respect of some decisions, they are not clear about their requirements. Things get changed. Alongside that, there is Abbey Wood, which, frankly, grows ever more and employs more and more people to evaluate things down to the finest point possible.

Patrick Mercer: The hon. Gentleman makes an extremely good point. He knows my background. I cannot help but feel that regular soldiers, professional officers and so on are sometimes far too close to the problem, and that things become more obscure the more knowledgeable one is. Does the hon. Gentleman agree that it is up to Ministers to give the firm smack of leadership and insert the toe of their boot into regular Army, Navy and Air Force officers where they do not like having boots inserted? Make them do their job, and make sure that taxpayers' money is properly spent and that MOD

uniformed officers and civil servants are not able to slope their shoulders and avoid responsibility. Ministers must start making them do their job correctly.

Mr. Jones: I agree, but I have to tell the hon. Gentleman—he knows that I have a great deal of affection for him—that we cannot then have his Front-Bench team attacking Labour Ministers for not understanding the military, or somehow not being in tune with the military ethos. There is a military ethos, and there is expertise, which we have to take on board and listen to, but I agree with the hon. Gentleman that sometimes we also have to turn around and say that tough decisions need to be taken.

What the hon. Member for Congleton said about the defence budget was very interesting. I am one who would argue for more money to be spent on defence, and I am sure that she would as well, but whether we like it or not, we cannot take funds from the budgets of the entire Government—defence competes with other things. I sometimes think that some of the present debate about more money for the military is taking place in a vacuum, in that people are not realising that money would be taken from the health service and everywhere else. Would the public necessarily agree with that? Added to that, as the hon. Member for Newark rightly said, there will be criticism if the money is not well spent.

I should like to concentrate on FRES for a minute. We have now had the trials of truth. I am not quite clear where we are at with FRES. Last year, I went with the Chairman of the Defence Committee to the trials of truth for the three vehicles. The hon. Member for Congleton made a good point about one of the three vehicles, the Piranha V. There is no such vehicle; it does not exist. I get different views from industry and various people from the MOD and military whom I speak to, but I suspect that the reason why it is being promoted is that the Army wants it. That is its preference. We have had a coming together of various interests. Clearly, the Army wants the Piranha V, because it thinks that it is the best vehicle, which is fair enough. The Treasury is also behind it, knowing that it can take the bow wave of that procurement into the future.

This is where I come on to the Mastiff and other vehicles. The hon. Member for Congleton raised an important point. When I attended the trials of truth, I asked Lord Drayson, who was then the Minister, how the vehicles fit into the FRES requirement.

Mr. Hancock: They do not.

Mr. Jones: I am sorry, but they do; they are apparently now part of the FRES family of vehicles. The original concept was about wonderful all-singing, all-dancing vehicles, but I am not clear what it is now. That is why I tabled several questions last week specifically about weight and other things to which the hon. Lady referred.

I do not know why the MOD does not on occasion just put up its hands and say, "Look, the old days of FRES are finished. We have had to respond to counter-insurgency problems in Iraq and Afghanistan. We have procured urgent operational requirements and vehicles that are doing a great job." Why can we not say that we cannot afford the next phase of procurement for a few more years, or that perhaps we do not actually need it? That would be more honest than the nonsense that we keep getting.

There have been three or four in-service dates for FRES. I found the most recent information that I was given funny. I was told that the MOD does not give in-service dates, even though the answers to parliamentary questions that I received a few years ago actually gave such dates and even though General Jackson, when giving evidence to the Defence Committee, gave a date for FRES. I think that a little bit of honesty needs to be brought into this debate.

Ann Winterton: I agree. It would be much more honest to say that FRES is not what was intended, that it has come to an end and that we are going to change the name of the future requirements programme. Doing so would give a clear indication that the Government were going in the right direction.

Mr. Bill Olner (in the Chair): Order. Although we are hearing from eminent hon. Members who are well established in respect of the armed forces and military equipment, for the sake of the record, can the hon. Gentleman say what FRES is?

Mr. Jones: It is the future rapid effect system, Mr. Olner. That is a good question. *[Interruption.]* Yes, it is a mystery.

I pay credit to urgent operational requirements, because although there has been a lot of criticism of kit, I think that the kit has been delivered now. I saw a Mastiff vehicle that had run over a mine in Basra last time that I was there and spoke to the lads that were inside it at the time. Clearly, it saved their lives. Not only is that vehicle repairable, but it is popular with the personnel using it. That is one solution.

In respect of counter-insurgency, commanders need a suite of different vehicles—sometimes the press do not quite grasp that—and some of those vehicles cannot be heavily armoured, because of the terrain that they are working in. If we are not careful, we will have a vehicle that is so heavily armoured that it will not be able to move. We must recognise that counter-insurgency warfare is a dangerous business.

In conclusion, the MOD has a good track record. I should like more urgent operational requirements, because that would provide better value for money and cut the long delays and the sense of frustration, not necessarily on the part of some of the generals, but on the part of some of the men and women who are being asked to do a difficult job in some difficult parts of the world.

11.42 am

Patrick Mercer (Newark) (Con): I am delighted to follow the hon. Member for North Durham (Mr. Jones), whose friendship I hold in high esteem. I congratulate my hon. Friend the Member for Congleton (Ann Winterton) on her success in securing this important debate. Most of all, I pay tribute to yet another three soldiers, from the 2nd Battalion the Parachute Regiment, who have been killed in action. It is fashionable in the Army for soldiers to denigrate each other's regiments and the Parachute Regiment was always a great rival of my former battalion. However, 2 Para has been hit hard

[Patrick Mercer]

throughout the years, from the massacres at Warrenpoint in 1979, right through to these three latest deaths. I pay tribute to that hard-fighting and hard-hit battalion.

Hon. Members' contributions have been fascinating. My hon. Friend made some good points and the hon. Gentleman retorted well. I shall concentrate my remarks on what Ministers do. I hope that, if and when the Conservative party gets into power, it will take on board the many good points of the current crop of Ministers, including how they handle themselves, and I hope that we will put further pressure on the senior officers and senior civil servants in the Ministry of Defence to make our armed forces more effective.

I am not making a party political point. I am saying that many of the senior thought-formers inside the MOD do not have a wartime mentality and do not understand the fact that, rightly or wrongly, we have chosen to go to war on two fronts, where we are taking and inflicting serious casualties and doing great work for democracy, freedom and for the subject peoples of at least two nations, but for which we are horribly under-resourced and in respect of which the thinking is wrong.

I should like to illustrate my remarks further. Hon. Members may not be aware that I am probably the world's greatest living bore on the Crimean campaign, so much of which is applicable today. For instance, I refer hon. Members to a cartoon in *The Illustrated London News*, shortly after the battle of Inkerman in November 1854, in which a tattered private soldier of the line is talking to a threadbare guardsman. The guardsman is saying to the linesman, in respect of Sevastopol and Inkerman,

"Well, Jack... We're to have a medal",

and the private soldier from the line says,

"That's very kind. Maybe one of these days we'll have a coat to stick it on."

We have all heard about the kit nonsense in the Crimea: the clothing was not warm enough, left boots turned up—although there is a sensible explanation for that—bayonets broke and some regiments went to war with smooth-bore weapons rather than rifles, and so on. Surely, the lessons of history are there.

Surely, when my hon. Friend the Member for Aldershot (Mr. Howarth) and I, with the hon. Members for North Durham and for Portsmouth, South (Mr. Hancock), visited exercise Saif Sareea with the Defence Committee in 2001, we knew that some thoughtful individual in the Ministry of Defence was saying, "Let us have a dress rehearsal for what is about to happen. We don't know what is about to happen, but we know these are going to be some of the most seminal, thought-forming experiences for the next decade or so." It was great that we had Saif Sareea and great that the armed forces understood that operations in hot climates would occur and that they would probably be of a counter-insurgency nature. But why did we not learn the lessons? Why are the lessons not being applied?

In my last job in the Army, as a full colonel in the Army Training and Recruiting Agency, I asked in 1999, "What are the war plans for the expansion either of specialist trades inside the recruiting and training cycle or for wholesale recruiting?" The answer came back: "We are never going to fight that sort of war again. Indeed, it is unlikely that we are going to fight wars." The thinking then was not properly formed, and we are suffering from that lack of understanding of warfare today.

I was flattered to be invited to visit RAF Waddington last week, but I was surprised that the seventh aircraft of the Sentry programme, a strategic piece of equipment applicable to conventional warfare through to counter-insurgency warfare—I do not patronise the Minister; I know that he understands that—which was damaged in a storm several months ago was not operational. That is to do with how the contracted repair, which is complex, has been organised. But surely this is battle-winning and war-winning strategic equipment. A little extra resource for that specific piece of equipment will get it flying again quickly. That is important.

I can go on talking about equipment disasters, such as Bowman. I can talk to the Minister about the difficulties of equipment, such as FRES. As long ago as when I was a young infantry officer, we were asking for 2-inch mortars and rifle-launched grenades, saying, "Whenever the next war comes upon us, we will need the equipment that our fathers and grandfathers used in Flanders and Anzio. It is the same kit; we need it." Yet we did not have it. Now, six or seven years after the start of the conflicts that we are talking about, that kit is in service. I can produce a litany of nonsense in that vein.

When I visited my old battalion, the 1st Battalion the Worcestershire and Sherwood Foresters Regiment, which has now, for reasons best known to the Minister, been scrapped—

Mr. Bob Ainsworth: Merged.

Patrick Mercer: It was scrapped.

When my hon. Friend the Member for Aldershot and I visited them in Helmand, where they took nine men dead and 37 injured, they told us, "The kit's good. It's not perfect, but it's good. Compared with what we had the last time we were in Afghanistan and compared with what we had when we were in Bosnia, this kit is really excellent." Yes, there are anomalies and problems, but we are realistic about such things. For instance, in relation to what was said by my hon. Friend the Member for Congleton, those soldiers told us that the WIMK vehicle, the converted armoured Land Rover, was not perfect, but, by golly, they needed vehicles that they felt that they could get on and off quickly. While there were certainly more heavily armoured vehicles in the pipeline, as my hon. Friend pointed out, the vehicle mix was important, and commanders had to be flexible. Yes, they pointed out that the armour plates were inadequate. Yes, there was a lot of find and fix going on by the Royal Electrical and Mechanical Engineers, but they accepted that because they were professional soldiers. The bottom line was that, although they had difficulties, which they understood, equipment was good on the whole and much better than it had been.

The Minister may be wondering why this Tory Back Bencher is being complimentary. Well, here it comes: the kit is all right, but there are not the men to use it. The single most important piece of kit is the man who carries the pike, the man who pushes the bayonet and the man who throws the hand grenade. They are men, because not many women are carrying out such trades.

The finest car may have the best petrol and the most elaborate paintwork, but if it does not have a driver, it is useless as a vehicle.

Our Army in particular, the Royal Air Force to a lesser extent and the Royal Navy are in a parlous state in terms of those who do the fighting, the killing and the dying. I shall illustrate that by referring to 16 Air Assault Brigade, which has just deployed into Helmand. I could talk about all its battalions, but I shall concentrate on two of its Scottish battalions that have deployed. The Argyll and Sutherland Highlanders, 5 Scots, has a paper strength, give or take, of 700. Its actual strength or deployed strength is 500. It has been able to go into the field with only 500 of the 700 bayonets that it should be taking to the Taliban. If that is examined in more detail, only about 350 Argylls have gone on operations with 5 Scots, with the rest being made up of reinforcements from the Royal Highland Fusiliers, 2 Scots, and other Army battalions. Even more worryingly, there is a hideous bill for the long-term sick in that battalion. Not only is it under-recruited and undermanned, it is also carrying a large number of soldiers who simply cannot deploy because they are long-term sick.

[Mr. Greg Pope *in the Chair*]

Other problems are coming up. For example, on return from Helmand province recently, the 1st Battalion the Royal Anglian Regiment had routine medical checks, and it seems that about 280 soldiers from that battalion will not be able to deploy again, because of the damage to their hearing that they suffered during the serious fighting this time last year.

Worryingly, if one asks an official question about the size of the Army, the answer comes back that it is supposed to be, give or take, 103,000 men strong. In truth, it is only marginally under strength by about 5,000, so let us say that on paper it has 98,000 men. However, the Minister is well aware that only about 50,000 are able to deploy. The rest have problems with compassionate issues, are not qualified, are still in training or are sick. That is not good enough.

The Minister fully understands that manning is made up of a three-part equation. The first part is recruiting; the second part—I do not mean to be patronising—is retention during training; and the third part is retention during service. If we ask how recruiting is going, the answer is, "Not bad. It is going very well." If we then ask how many men are retained during training and we concentrate on combat arms and particularly the infantry, the Minister will find, if he does not know already, that between 35 and 40 per cent. of infantry recruits drop out during training. The next part of the equation is how many men—trained non-commissioned officers and senior private soldiers—are retained in service? I do not know the figures, but inability to retain trained personnel is a major problem.

Mr. Kevan Jones: If the Army is under the pressure that the hon. Gentleman is describing—the Defence Committee is compiling a report on retention and recruitment—and if we are looking not only for value for money, but to retain people, is it not time to review Army structure in the UK, so that we do not have a plethora of commands and soldiers carrying out activities that are not front-line commitments?

Patrick Mercer: I completely agree with the hon. Gentleman. I had dinner with a major-general the other day at his house in London. I had better not give his name. Two sergeants had been abstracted from a battalion on operations—one was a mortarman and the other belonged to the battalion's mechanical transport platoon—to serve food dressed in little red monkey jackets, while the battalion was on operations against an enemy abroad. That cannot be right.

I roundly condemn the future infantry structure, for all sorts of different reasons. The only parts of the organisation with the curious name of the Mercian Regiment that are fully manned and recruited are battalion headquarters and the headquarter companies—with the greatest respect, the non-combatant side and officers and senior non-commissioned officers carrying the rank, the pensions, the pay, and so on. The bayonet power of those three battalions amounts to only just one and a bit battalions. Lieutenant-colonels and below neatly and comfortably carry on along their career paths, while the fighting manpower is flexed between the three battalions, almost like rent-a-mob, and does not receive the necessary tour gaps, rest and recuperation, training and so on.

The Minister has heard me talk about the matter—I am sure that he is extremely bored with the way in which I do so—but the Ministry of Defence is in denial, and I do not believe that Ministers are being told the correct story by people in the Ministry. For example, I appreciate that recruiting is only part of the manning equation, but if it is so important, if Headquarters Recruiting Group's job is so crucial in getting the petrol into the Army engine and if a key player in that is the brigadier in charge of recruiting, why was he absent for eight months last year on a court martial? That really cannot be right. Such decisions are wrong, and I ask the Minister to dig beneath the surface of what he is being told by career-conscious and ambitious officers to find out what the truth is.

What used to be called the Worcestershire and Sherwood Foresters Regiment was 90 men over strength eight years ago when I left it; it is now almost 100 men under strength when conditions are easier than they were eight or nine years ago, the Army is in the public eye much more than then and the opportunities to recruit are better. The measure that is being discussed to relax recruiting boundaries will result in a free-for-all and to all intents and purposes the regimental system that we have had for 250 years will be finally stabbed to death. That is a serious error. If regiments have the word "Irish" in their name, they should be allowed to recruit in Ireland and to continue to take on Irish recruits. The 2nd Battalion the Mercian Regiment is now for ever forlornly stationed in Palace barracks, Holywood. Why on earth should it recruit Irishmen? That is what the Ministry of Defence is proposing, and if the Minister is not aware of that, I ask him to consider the matter in more detail. It is dangerous, insidious and a final blow to the regimental system.

I shall finish by saying that much of the kit has improved and that much of the detail that has gone wrong in the past is now much better, but above and beyond everything else, if we do not have the manpower to fight the wars that our Government and nation want to fight, it is not only unfair but immoral.

11.59 pm

Mr. Mike Hancock (Portsmouth, South) (LD): First, on behalf of myself and my colleagues, I would like to give my condolences to the families of the three paratroopers. As hon. Members have said and as I am sure the Minister will repeat, all of our thoughts and prayers go to the families and friends of the three young men whose lives were cut short in such tragic circumstances while they were fighting on our behalf. We owe a big debt of gratitude to them and to the other 97 families who have been affected in similar ways by the fighting in Afghanistan. We also owe a debt of gratitude to those fighting in Iraq and those who have been injured and seen their lives change significantly. The hon. Member for Congleton (Ann Winterton) should be congratulated on initiating this debate and on providing an opportunity to speak up for those people. The families of many of those affected by the issue have made many criticisms about equipment and have complained to the Defence Committee in order to try to bring home to Parliament the need for equipment failures to be considered.

I was going to interrupt the hon. Member for Newark (Patrick Mercer), but he spent so much time talking about bayonet power that I was nervous to do so because I believe he was quite handy with a bayonet at one time. He was at full flow and I did not think he would take kindly to being interrupted by someone reminding him to get on with it and give us a chance to have our say. Bayonet power aside, I found the hon. Gentleman's contribution extremely interesting. He is right: the biggest failure is not having the manpower—men and women; the most precious of all commodities—available to deliver what we expect from our armed forces. His figures need to be verified and the MOD needs to answer the points he made about an on-paper 700 strong battalion only being able to deploy 500 people, many of whom are from other units. More importantly, it is worrying that so many of a returning battalion are unfit for service in a similar circumstance in the future. If, for example, a third of the battalion is unavailable for combat because of sustained injuries, such as deafness, what does that do to the morale and effectiveness of the unit?

I have a great deal of time and affection for my colleague from the Defence Committee, the hon. Member for North Durham (Mr. Jones)—he smiles at that, but he knows that it is true. It is beyond me why he has never been looked at for further advancement, and I am sure many of his colleagues on the Defence Committee also share that view. He would make a useful contribution to dealing with this issue and would bring some straight thinking.

Mr. Kevan Jones: That's me doomed.

Mr. Hancock: No. He knows, as well as I do, that the Defence Committee has never shirked from its responsibility of taking on the military in relation to equipment. We do not have in-service dates now because the MOD learned through Eurofighter, which had more in-service dates than Frank Sinatra had retirement and farewell concerts, that it cannot do so because they fail to materialise. One has only to look at the Committee's most recent report on defence equipment for evidence of that. The report talks about the failure of in-service dates on nearly every project. In some instances, the in-service date has been shifted five or six times. Therefore, we do not now give in-service dates.

The hon. Member for Congleton spoke well about understanding what is needed when fighting an insurgency. I agree with her entirely. The suggestion that we will fight some sort of conventional war in the future is long past its sell-by date. I do not think we will be in that position. The lessons from Iraq one and two, and from our experiences in Afghanistan are vitally important to understanding where we go in the future. That is why the military have to be more realistic about what they expect a Government to deliver. I do not sympathise with Ministers, but I can understand the predicament they are in. They are challenged time and again with repeated requests for different things and have to prioritise matters that the military themselves fail to prioritise and be clear about.

Again, I commend the Defence Committee's report to hon. Members and to the whole House. Time and again, the report mentions the failure to have a clear perception of what is required and the fact that the spec of the equipment is continuously changed. There is also the issue of Abbey Wood and wanting to check the reliability of the design or structure of the product to the nth degree instead of looking at what is required and first of all seeing if it is available anywhere else in the world. There is a distinct reluctance on the part of the Ministry of Defence to look for something already tried and tested and take it off the shelf.

Mr. Bob Ainsworth: *indicated dissent.*

Mr. Hancock: The Minister shakes his head. The hon. Member for North Durham who spoke earlier said that there has been a change. That change has been a long time coming. In the past, predecessors of the Minister have repeatedly spoken to the Committee and the House and have flatly refused to look at the off-the-shelf option. Bowman, and Clansman before it, are classic examples of the Government not wanting to buy products that are available, even though they do what they want them to.

Mr. Ainsworth: I shake my head now in 2008. I cannot shake my head in 2002 or 1999. Cougar was bought off the shelf and up-armoured to Mastiff. When it is needed, that is what we do.

Mr. Hancock: I welcome the Minister's intervention. Of course, he cannot take responsibility for the past, but he shook his head too quickly because I was going to give the Government credit for the changes. Perhaps that is part of the problem.

Mr. Kevan Jones: Would the hon. Gentleman agree that although what the Minister says is correct, the default setting in the MOD means that even when something is bought off the shelf, an integrated project team still has to be put in place to look at how it has been evaluated. For example, the Minimi machine gun, which was purchased during early operations in Afghanistan, was welcomed, did a great job and everyone loved it. However, an evaluation was still set up afterwards.

Mr. Hancock: And the gun was nearly rejected. In the end, it had been dismantled and put together so many times it seemed the Government were trying to find fault with it. Because it had been used in operation we

knew that it was the weapon required, yet every obstacle possible was put in the way of early deployment. Why? We do not know why.

I draw hon. Members' attention to an old issue that we face time and again. In last night's *Evening Standard*, there was a picture of five members of the Parachute Regiment on deployment in Helmand. It was interesting to look at their feet because no two of them have the same pair of boots and three of them have different webbing packs. Equipment is important. The hon. Member for Newark is correct: servicemen have seen a dramatic improvement in the provision of equipment. However, some issues still cause them concern and safety in vehicles is a classic problem. We have had the argument time and again about boots that do not work in the desert and I do not want to go over that. However, our service personnel still buy their own equipment because what they are issued with is not suitable for the conditions that they are in.

I would like to draw the attention of hon. Members to some of the things mentioned in today's debate pack. An issue that has not been mentioned is that of vehicles enabling the treatment of injury and the cases of victims who need to be transported and worked on by medics. Space is confined and facilities for proper medical vehicles are lacking.

There is much to be said on the matter. I realise that time is short and that hon. Members want to hear the Minister respond, so on behalf of my colleagues and as a result of my experience on the Defence Committee, I would like to say that there are improvements on the way that will have a great effect—for example, the Mastiff and other changes that have occurred in vehicles. However, I share the view that the flexibility of the command to have a series of vehicles and choices is vital. I also share the view of those hon. Members who have said that it is no good settling for just one correct option—one has only to see the consequences of not having such an approach to realise that. I also agree with the hon. Member for Congleton: we have to deal with our colleagues who have failed to share the burden—not in the European Union, but in NATO. This is a NATO issue, not an EU issue. If it cannot share the fighting and dying, I hope that at some stage it can at least share the equipment. The fact that we had to buy helicopters from the Danes is once again a clear example of co-operation just not existing.

12.9 pm

Mr. Gerald Howarth (Aldershot) (Con): I am delighted to serve under your chairmanship, Mr. Pope. I join my hon. Friend the Member for Congleton (Ann Winterton) in paying tribute to the members of 2 Para who have given their lives in the last few days. Those events demonstrate the commitment not only of that regiment, but of the British Army and the other two services.

It is very important that the people of this country understand that it is not only the British Army that is carrying out those acts of heroism in Iraq and Afghanistan; it is very much a tri-service commitment. I should like to remind hon. Members that it was a female Royal Air Force Merlin helicopter pilot who was awarded the Distinguished Flying Cross. She was flying into a hail of enemy fire to rescue wounded soldiers. It needs to be put on the record that the Royal Air Force is giving huge, dedicated service, as is the Royal Navy, not so much at sea but certainly in the form of the Royal Marine Commandos, whose own tour in Helmand province was extremely distinguished.

I congratulate my hon. Friend the Member for Congleton on securing the debate and managing to get the defence groupies together. I can assure her that if an hour and a half today is not sufficient time—clearly, it is not—we can reprise the exercise next week. I offer her an invitation to come to the defence procurement debate on the Floor of the House next Thursday—I have pointed out to my Whip that that happens to be ladies day at Ascot, to which I was already committed and from which I have had to withdraw.

Ann Winterton: Sadly, I must turn down the invitation to take part next Thursday, for the simple reason that I shall be sitting in the seat in which Mr. Pope is sitting this afternoon.

Mr. Howarth: I can say on behalf of us all that that will be our loss. We hope that my hon. Friend will be able to extract herself from the seat of power here and come to the other debate to make a contribution, for she has made a very significant contribution not only today but repeatedly in the important matter of providing the correct defence equipment for our armed forces as they experience constant change in the threat that they face and the tactics of the enemy. Our responsibility as Members of Parliament—clearly, it falls most heavily on the shoulders of the Minister—is to ensure that our armed forces have the best equipment that we can give them.

The essential burden of my hon. Friend's case was that we need more appropriate equipment, which needs to be better value for money than what is available at the moment. She also made the case about "next war-itis." If she had been a clergyman, she would have said, "I take my text from one Robert Gates," who made those remarks about the attitude of the military. I just warn her against being too zealous in going down the route of concentrating wholly and exclusively on the immediate, for we face a much more complex world now than that which we faced when the cold war was at its height and we could see exactly where the threat was coming from. The threat is now all around us. We know what the threat is from insurgents in Afghanistan and Iraq, but I would be very nervous about dismissing Mr. Putin's intentions in building up his armed forces. Although I agree with my hon. Friend that it is unlikely that our shores face attack in the foreseeable future, it would be a foolish politician who decided to take the gamble that we could safely ignore consideration of, for example, renewal of our nuclear deterrent or, indeed, some of our other capabilities that will not be required in the immediate future.

Ann Winterton: I was not suggesting that.

Mr. Howarth: Not entirely, but my hon. Friend was suggesting that "next war-itis" was an issue that we should be concerned about. She is right, but clearly we face a more complex world than we did before.

Let me turn to Afghanistan and Iraq. There will always be a trade-off between mobility and protection. General Johnny Holmes said to me that the light can go

[Mr. Gerald Howarth]

heavy, but the heavy cannot go light. That was quite a salutary lesson to learn and we can apply it in this case, but we do need to provide our troops with the maximum protection. I alerted the former Secretary of State, the right hon. Member for Airdrie and Shotts (John Reid), when I returned from an armed forces parliamentary scheme visit to Iraq in 2005 that we were in grave danger of having completely inadequate equipment to deal with improvised explosive devices. He assured me that he was already on the case. My hon. Friend has been absolutely stalwart in arguing the case for the V-shaped hull. The recognition by the Ministry of Defence that that was needed was too slow. The Government's response was too slow, but my hon. Friend has been utterly consistent on that issue and has been proved right by virtue of what has been happening in theatre. We have all seen the Mastiff in operation and it is undoubtedly an excellent piece of kit.

The hon. Member for North Durham (Mr. Jones) and I enjoy a friendship across party barriers, but I think that he is right to say that commanders in the field require a range of options. My hon. Friend the Member for Newark (Patrick Mercer) and I were in the compound at Lashkar Gah when his former regiment returned. I can tell hon. Members that it was very interesting to see the huge respect with which those who had served under the leadership of my hon. Friend greeted their former commander when they saw that he was at Lashkar Gah to meet them.

However, the need to be mobile and able to leap off and on kit means that people cannot go around exclusively in Mastiff vehicles. The Jackal is an extremely exciting new development. My hon. Friend the Member for Congleton is right about the problem of protection on the Jackal and she is even more right about the problem of protection on the Pinzgauer Vector—the driver sits right over the wheel, and the wheel is the part of the machine that activates the IED. The Vector has a role to play, but not in a dangerous theatre such as that which we are discussing.

My hon. Friend did not refer to unmanned air vehicles, but that is an area in which much more needs to be done. UAVs are already playing a prominent role, but they could play a more prominent role. I think that my hon. Friend would say that rather than having the most expensive, most sophisticated UAVs, we should be considering cheaper options. In my constituency, QinetiQ is developing something called Zephyr, which is a UAV for very high altitudes. It looks like something from a balsa wood kit. It is operated using solar panels and is doing a fantastic job. It is still in research mode, but I hope that the Minister will tell us what is being done to harness UAVs to provide better reconnaissance and, for example, to be able to identify disturbed earth, because if we can identify disturbed earth, we can see where IEDs may be being laid.

My hon. Friend referred to lower-cost turboprop aircraft. I think that the Minister knows of my affection for the Pilatus PC-21. I would very much like to procure that superb aeroplane for the Royal Air Force one day—that is why I keep looking at the opinion polls with such enthusiasm. I shall be flying the aeroplane next month at the royal international air tattoo. My hon. Friend is on to something here: we need to consider more practical equipment. I will just give a warning, though. New kit such as that going into theatre requires defensive aid suites to be fitted and they do not come cheaply. We cannot just stick a Tucano or other turboprop aeroplane into theatre and say, "That's it." Quite a lot of amendment work has to go on. Essentially, what my hon. Friend is talking about is a brass, not a gold, solution, so I think she is right.

My hon. Friend mentioned helicopters. The Government have been caught napping on that issue. They cut the helicopter budget by £1.4 billion in 2004 and the result has been disastrous. We simply do not have enough helicopters. We have bought six Merlin helicopters from the Danes, but I understand that the floor of the helicopter is completely unserviceable for our use and will have to be subject to further adaptation. It is appalling that further action has not been taken to ensure that we have more helicopters. It is not as though this situation came on us suddenly, as a surprise; it has been obvious for a long time that we need more helicopters.

My hon. Friend the Member for Newark is right about the shortage of manpower. He said that the armed forces, particularly the Army, were in a parlous state. I will just add to his other points that there is too much reliance on overseas recruits because we cannot recruit from the United Kingdom and therein lies a damaging prospect for the British Army. Representing Aldershot, I know that people are resigning because they cannot take the constant tempo of operations. Even if they can, their families cannot. That factor needs to be taken into account.

Time is limited, Mr. Pope, and we will be able to resume the debate next week, but I wish to make five brief observations. First, we require a defence review. It is essential that we have one, and that is what my party will be putting before the people at the next election. Secondly, we need flexible equipment that is capable of subsequent adaptation, depending upon changes in circumstances. Kit must be designed with the prospect of needing to adapt it. Thirdly, the system of urgent operational requirements works extremely well, but it does not dovetail into the main procurement programme. We should migrate the excellent swift decision-making process that applies to UORs into the main procurement programme. I believe that that is absolutely essential, and I am working on it now. Fourthly, the Government should tell us what they are doing about UAVs, because there is a life-saving capability. Fifthly, where are we on FRES? A number of hon. Members mentioned it; perhaps the Minister can tell us.

Finally, my hon. Friend the Member for Congleton says that there will be no money at the time of the next election, when the Conservative party hopes to come to Government. I assure her that I am conscious of that fact. I am also conscious that a huge bow wave of commitments is building up in a wide range of areas. In particular, the British people are going to have to acknowledge our growing commitment to the war wounded. They are not yet visible to the health service; but they will become increasingly visible and will add hugely to the defence budget. That, I believe, is not fair; it should come out of another budget. However, that is for the shadow Chancellor to decide.

12.21 pm

The Minister for the Armed Forces (Mr. Bob Ainsworth): I echo the comments of the hon. Member for Congleton (Ann Winterton) and other Members in expressing my deepest sympathy for the families, comrades and friends of the three paratroopers who recently lost their lives in Helmand. Earlier this year, I saw for myself the dedication of those remarkable people and what they are achieving on behalf of the Afghan people. We need always to remind ourselves that those achievements come with great sacrifice—and, for those three individuals, the greatest sacrifice.

The hon. Member for Congleton was right to highlight the fact that we have to live within the reality of finite resources. I am enormously pleased to see her toeing the party line and expressing the same view as her leader, who said that a Conservative Government would not increase defence spending. If only the Front Bench defence team would spit that out. Despite the fact that the leader has said it, and the Back Benchers recognise it as a fact—as the reality—the Front Bench continue to pretend that the situation is something else. However, I do not agree with the hon. Lady's conclusions. Effectively, she said that we ought to equip our armed forces to conduct counter-insurgency operations, neglecting to some degree all other types of conflict.

Ann Winterton: I did not say that.

Mr. Ainsworth: That is the way that the hon. Lady came across. In my view, that would be dangerous; it would undermine the country's ability to meet the security challenges that we may face in a rapidly changing and unpredictable world. That is to misunderstand the nature of the current operations and the way in which conflicts are likely to evolve.

Secretary Gates, who was quoted by the hon. Lady, said in a speech to the Heritage Foundation that defence procurement was a matter of balancing risk:

"today's demands versus tomorrow's contingencies".

We cannot allow the problems of today to dictate entirely how we equip and train our troops, just as we cannot neglect today's operations and focus on hypothetical future threats. That is what Secretary Gates called "next war-itis".

Our priority is and will be to ensure that our forces are properly equipped for current operations. However, a balanced force is a key national strategic asset that we would give up at our peril. We live in an uncertain world. We all remember the siren calls of the pundits who declared the end of history and were eager to push for the realisation of the peace dividend at the end of the cold war; those calls were hard to resist, but they were proved tragically premature. Since then, international terrorism, the proliferation of weapons of mass destruction and the challenges posed by failed and failing states have emerged as threats to our security. They will continue to remain a challenge. Emerging trends such as climate change, competition for resources, geopolitical change and the proliferation of weapons technology will increase the uncertainty. A balanced force, mixing a range of capabilities will stand us in the best stead to deal with the unpredictability of future security challenges.

Some combinations of those threats are not only plausible but have had catastrophic effects on our security. In recent times, we have been involved in military operations with no counter-insurgency element—for instance, in the Falklands and the first Gulf war. No matter what people thought of the decision to invade Iraq, in Operation Telic, we could not have done so with Mastiff and Ridgeback vehicles. We could not have crossed the Al-Faw peninsula in that sort of vehicle. Yes, we could have gone up the road to Nazaria, but that was not the reality of the situation. We were recently faced with the need for an existing army and air force capability on behalf of the Iraqis; as recently as five years ago, we had to be able and equipped to face that threat as well as counter-insurgency.

Ann Winterton *rose—*

Mr. Ainsworth: If the hon. Lady is burning to have a go at me, I shall give way.

Ann Winterton: I am grateful to the Minister for giving way. What he suggests is a parody of what I said. He is right to say that we have not been engaged in counter-insurgency for a number of years. We were very good at it at one time, but virtually every serving officer—anyone now serving in the armed services—has no direct experience of it. There is one exception: Jock Stirrup. I was saying that we do not have a balance when providing for our troops at present, and we have to over-egg the pudding to get over any kind of story. Not only do we not have balance, but we have forgotten some of the lessons that were hard-learned a long time ago.

Mr. Ainsworth: I know that the hon. Lady has given a lot of thought to the matter, but her basic argument was that there was a complete lack of balance; she said that we had 463 vehicles that were effectively useful in the circumstances and she wrote off 2,000. The hon. Lady chose to draw a line in order to make her case, but Jackal is on the other side of that line. That vehicle was purchased for Afghan counter-insurgency operations. We cannot put people only in heavy armoured vehicles; we also need light recce vehicles that are capable of getting around and that give vision and flexibility. The Jackal was produced with that in mind.

The hon. Lady assumed when drawing that line that FRES will not be configured for deflection of blast, but it will be. I do not know whether it will have a lower profile but the same manoeuvrability as Mastiff, but it will have many other capabilities that Mastiff does not have. I do not detract from Mastiff; it is armoured up in Coventry in my constituency. It is a fantastic vehicle that gives huge protection to our troops, but its use is extremely limited. The hon. Lady said that the Secretary of State visited Basra in a Mastiff. I was not allowed into Musa Kala because I would have to have done so in a Mastiff and it was not the right vehicle; but someone will have to go there if we want our troops to be effective in the Afghan theatre. Mastiff cannot be the only vehicle; as has been said, we have to provide a range of vehicles to meet the threat and to allow our troops to do the job.

The hon. Lady seemed to be complaining that we are using the equipment that we have in the theatres in which we are fighting. Yes, we are using the Tornado, but using it effectively. They fly in pairs, so they can stay over target for a long time.

Swimming

12.30 pm

Chris Bryant (Rhondda) (Lab): I confess that I applied for this debate because I enjoy swimming. When I was a child, I learned to swim in the baths at Penarth, which are now a nightclub; my younger brother suddenly realised that he could swim when he fell out of his water wings and into the pool at the age of two; and I won the scout diving cup in Stirling in 1974, I believe. It is therefore a delight to be able to raise this issue, even if the Government pre-empted me, after I had obtained the debate, by announcing further support for swimming last week.

I shall come to some of the specific issues that the Government announcement has made us think about, but I should first say that I started putting my speech together in the pool in Bronwydd in the Rhondda—more or less in the pool, at any rate. Swimming beside me, interestingly, was the Wales triathlon champion, who is the grandson of my predecessor as MP for Rhonda and a fine member of the Labour party. I hope that he wins his races this summer.

Britain has a fine tradition in swimming. It is one sport that we have done particularly well at in Olympic games—we have won 15 gold, 23 silver and 28 bronze medals, and we won the gold in water polo in 1900, 1908, 1912 and 1920, but not since. I am sure that many British people were proud of the haul of swimming medals not only from Australia but from Athens, and that they look forward to Liam Hancock, David Davies and Kirsty Balfour, among others, doing well in the summer. I am sure that the media will be more fascinated by how Tom Daley, the teenage diver, does in his first Olympics.

One of the great things about swimming is that it is not only about the elite. It is the only sport that is enjoyed equally by girls and boys and by people at different stages of life, which makes it inclusive. It is a joy to see whole families go swimming—they cannot take part in other sports together in the same way. The health implications are significant, because even a person who has sprained an ankle, or who has back pain or arthritis, can go swimming. Even people with severe mobility problems can go swimming. It is a low-impact sport and—unless one is playing water polo—non-contact. Bringing the whole community together is one of the great aspects of swimming.

The downside is that swimming is one of the most expensive sports—not for the individual, but for the state. Whereas 50 years ago, swimming baths were mostly open air and relatively cheap to run, they are now almost universally indoor and expensive to run. The people at the baths at Ystrad in my constituency recently discovered that several million pounds would have to be spent simply to restore the base of the pool—they realised that the pool had concrete cancer and that one could easily punch a hole in the cement. Perhaps no one will notice the significant difference that the investment made, but it goes to show that swimming is an expensive sport for local authorities and Government to make available.

I am delighted by the commitment that the Government made last week to try to make swimming free for over-60s and younger people. We have tried the same thing in Wales in the past two years following a commitment from the Welsh Assembly, and it is important that the Government spot some of the problems that we have had there. For instance, it is all very well saying that swimming is free for over-60s, but if the same people simply swim more frequently for free, we will not increase the number of people who swim.

There are all sorts of barriers to people going swimming. First, obviously, a lot of people cannot swim. The Government have for a long time had a commitment to ensuring that every child going through school learns to swim so that they can swim by the time they leave, but the number of people in poorer communities in England and Wales who cannot swim is still high—some 25 per cent. cannot do so. The number of people who cannot swim is markedly higher in poorer areas. I am sure that there are all sorts of reasons for that, but it brings me to one of the most important barriers: money.

Middle-class and wealthier families can afford tuition fees for their youngster to learn to swim, which amount to about £5 an hour in most areas of the country, but many poorer families cannot, especially if there are two or three children, so many youngsters do not get the opportunity to learn to swim. Also, some people in their 30s and 40s stop playing football or rugby because of injury and look to take up another sport, but they cannot take up swimming because they cannot swim—they feel embarrassed about it and never go near a swimming pool. It is important to ensure that swimming lessons are more affordable, particularly for children from poorer areas, and that schools are more effective at ensuring that children learn to swim.

A greater barrier to many people taking part in swimming, particularly women, is that they find the whole environment of the pool unfriendly, embarrassing and lacking in privacy. If changing rooms are dirty and not frequently cleaned, people worry about hygiene and getting infections. Other countries have learned about those things rather faster than us. Many people go on holiday and stay in hotels with beautiful, well looked-after swimming pools with private changing rooms, so when they get back to their local baths and find that there are no such rooms, nowhere for families to change together and that the showers are either scalding hot or freezing cold, they think, "Maybe this isn't for us." Other countries have invested as much in changing rooms and other facilities in swimming pools as in the pool itself, which we need to do. Some local authorities have transformed the swimming experience, especially for families, but we need to ensure that that best practice is followed throughout the country.

Some local authorities work jointly with the private sector to ensure that new baths, nearly all of which are in private sector facilities such as hotels and leisure centres, are available to the wider public. That way, there is an investment in the whole community. We need to do far more of that kind of thing. There are between 1,400 and 1,600 public swimming pools in England, and about 6,000 private pools of one kind or another. If we could make the latter available, we could make a significant difference in enabling more people to take up an active, healthy lifestyle through swimming.

There is a further difficulty. Local authorities have a mix of leisure facilities—they may have football and rugby fields and so on, and changes in society may mean that local sports clubs change from football to

rugby or the other way around—and are constantly working to get the right mix. All too often, decisions on older swimming baths, which might need dramatic amounts of financial investment, are delayed year after year until it is too late to save them. That is why, even in central London, quite a few historic baths have closed. That is a shame, not particularly because the buildings were of enormous historical merit, but because some of those baths were in exactly the right place—in the centre of cities, where they were convenient for people to use at lunch time and other times of the day, and in the evening. We need to do more to ensure that local authorities have an ongoing, rolling programme of investment in their swimming pools so that they do not suddenly realise that they have a dramatic problem and must find £5 million or £10 million, with the result that they decide that they cannot afford to keep their pools open.

Large numbers of people go swimming, but the truth is that we could not survive without the volunteers who run the swim clubs. There are 300 volunteers involved in swim clubs in Wales, and they ensure that people can do not only the jumping-in-the-pool, messing-around kind of swimming, but the hard, up-and-down lane swimming—1,000 m of breaststroke, freestyle and so on. However, swim clubs are finding it increasingly difficult to survive not only because of the charges that local authorities levy on them for holding sessions, but because it is more and more difficult to get volunteers to commit themselves—particularly to getting the training that they need to act as coaches.

In that respect, I wholeheartedly support the introduction of the United Kingdom coaching certificate, which is an excellent measure that is increasingly professionalising the coaching that we provide in swim clubs. However, it is expensive to do the courses. A level 1 course, which takes 37 hours, costs £370 per individual, while a level 2 course costs £650 and requires 50 hours of commitment. That requires a significant investment from the individual, and I wonder whether there is a way of ensuring that Government resources can flow more readily down to the swim clubs so that more people can train as coaches, particularly in some of the poorer areas of the country.

As has been well attested in the Culture, Media and Sport Committee report on swimming in 2001-02 and in many debates in the House, one problem for elite swimmers in this country is that we have remarkably few 50 m pools—we have 19 in England and one in Wales, which is fewer than in Berlin or Paris. That is a problem not because everybody wants to swim 50 m all the time, but because we have only two venues where we can have an international-standard event. To hold such events, one must have not only a 50 m pool for swimming but a warm-up 50 m pool, and the pools must be 10 lanes wide, with a variety of adequate facilities on site. There is also the difficulty of training elite swimmers. It is difficult for Team GB to find somewhere for the whole team to swim continually for a fortnight or three weeks without completely disrupting everybody else's ordinary swimming. That is why the Government need to think further about developing more 50 m pools.

The new 50 m pool in Wales is wonderful, and creative ways have been found to use it so that a variety of events can be held there—it is not used just for elite swimming or by people ploughing up and down the lanes. Everybody is proud of the new pool, but it would be nice if we had more like it. Obviously, we will have the new aquatic centre for the Olympics, but it is important that the whole of London and, indeed, the whole south-east feel that it has a stake in it after the Olympics.

The next issue that I want to raise is one that affects volunteers and those involved in swimming. Fifty years ago, everybody would have been happy to take photographs of all the kids taking part in the annual swimming gala or the school swimming gala, but the sad truth is that most local authorities now understandably have strict rules about what photographs can be taken, and everybody has to have signed a form giving permission for their child's photograph to be taken.

Similarly, it is obviously important that swimming coaches and everybody involved in teaching young people to swim have proper accreditation, so that parents can be secure in the knowledge that their child is safe in every sense. With the passage of the Criminal Records Bureau to the Independent Safeguarding Authority, it is important that the cost of checks, which may be quite significant for small swimming clubs, be met by the Government, not the clubs themselves. Checks should also be done swiftly. Furthermore, it should be possible to transfer a check that was made when somebody wanted to become a rugby, cricket or golf coach, should they then wish to become a swimming coach. One difficulty is that we are overloading the system by not allowing people to transfer checks from one sport to another.

There is another issue alongside that. When we move to the new points-based system of immigration, which I wholeheartedly support, it is important that we ensure that coaches—particularly in international sports such as swimming, which rely on coaches travelling around the world and working in different countries—can enter this country without facing an overly complicated process of immigration checks.

I wholeheartedly support what the Government are doing to ensure that more people swim. Swimming is one of the few sports in which everybody can engage, whatever their age or physical ability. My only concern is that if we simply make swimming free for those who already swim, we will have achieved nothing through our investment in swimming. We need to overcome some of the barriers to people taking up swimming. In particular, we need ensure that there are more coaches and volunteers and that it is easier for local swimming clubs to survive and prosper. We need to ensure that there are more swimming pools and that private pools are more available to the whole of society, while public pools are more engaging and pleasant places to go for a swim. If we can do that, the number of people who go swimming will significantly increase.

12.47 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): I wholeheartedly support my hon. Friend—I do mean my hon. Friend—the Member for Rhondda (Chris Bryant) and I congratulate him on the timing of his debate. He talked about the announcements last Friday, but he has been keen on this issue for a long time, and he mentioned his exploits as a young child, on which I congratulate him.

I offer my support to swimmers in Wales, and particularly to those who will go on to represent Great Britain at the Olympics. Like my hon. Friend, I wish them well,

[Mr. Gerry Sutcliffe]

whether they are taking part in the Olympic games in Beijing or training and developing for the London Olympics in 2012. I particularly offer my support to Tom Daley, who has inspired many people not only with his diving exploits, but with his demeanour and the way in which he acts as a role model for many others.

It is a great pleasure to serve under your chairmanship, Mr. Pope. I think that this is the first time that I have done so, so I am delighted to see you in the Chair.

My hon. Friend rightly set out a number of issues, which we are aware of, to ensure that we are successful in our ambition of getting more people swimming. It is important that we get more people active in sport. My hon. Friend will be aware of the legacy challenge that we set ourselves of getting 2 million more people engaged in physical activity and sport by 2012, and swimming can play a key role in that.

I wholeheartedly agree with my hon. Friend's points about swimming provision, the quality of pools and the need to make sporting experiences, whatever they are, credible and something that people want to pursue. If the sports superstructure is not up to standard, young people in particular will do other things, so we must ensure that the sporting experience that we present is enjoyable. My hon. Friend is particularly right about matters such as changing rooms and how confident people feel in the environment of the swimming pool. Those points are important and I hope that they will be dealt with when we consider the facility strategies that local authorities need for new and existing pools.

My hon. Friend's timing is, as always, impeccable, given last week's announcement by the Secretary of State. That really was joined-up government, with several Departments coming together regarding the aspiration for free swimming for the over-60s and making under-16s a priority by 2012. My hon. Friend is right to say that that has been happening in Wales for some time—I know that Rhodri Morgan and the Sports Minister in Wales are particularly pleased by the development—and that we must keep the initiative alive by encouraging more people to take part, not just the same ones who are now doing so. I hope that, with the support of the Amateur Swimming Association and British Swimming, it will be possible to offer good experiences of swimming, whether for people who want to enjoy the fun pool or for serious swimmers who want to get involved in competitive swimming. We want to ensure that there is a route all the way through, so that swimming is enjoyable and there is an opportunity for people to get involved.

The active people survey in 2005-06 showed that swimming was perhaps the nation's most popular physical activity, with 17 per cent. of women and 12 per cent. of men swimming at least once a month. Swimming is the sport with the second highest rate of participation, after football, for children aged 11 to 16, with 38 per cent. participating in and out of school. It is also the most popular physical activity for the over-60s, with 7 per cent. taking part at least once a month. The Government are committed to good quality swimming and diving provision throughout the country. Since 1997 almost £250 million of public money has been invested in swimming—more than for any other sport. More swimming pools are opening than are closing, in both local authority and private sectors.

It is too simplistic, however, to look at sporting provision simply in terms of quantity. My hon. Friend touched on a very important point about where pools are, and whether those are public or private. I am engaged with several bodies in considering the spare capacity that private sector pools might have to offer swimming to others, at times when the private sector cannot fill the pools. I believe that we should, particularly through county sports partnerships, local area agreements and local authority facility strategies, come to a greater understanding of how we can bring public and private sectors together, and of the opportunities that exist in that context. What we envisage will not work unless there is a willingness to use the available facilities.

As part of the incentive, I am trying to ensure that we drive through a strategy to achieve world-class swimming facilities throughout the country. Local government has a key role to play in that. The offer of free swimming that we announced last week is, as I have explained, part of getting 2 million more people active by 2012. Swimming will make an important contribution to the meeting of our goals. In broad terms, we shall offer local authorities funding to allow them to introduce free swimming for people aged over 60 and further measures designed to promote increased participation in swimming, particularly for under-16s. We are also offering a capital fund for the renovation and maintenance of pools, including school pools, in support of such schemes.

I had a constituency issue regarding the closure of a pool in my constituency—the Buttershaw school pool. There is an opportunity now for Conservative-led Bradford council to put its money where its mouth is and support what we are trying to achieve through allowing greater access to swimming by making sure that the pool stays open. I should be happy at any time to meet the local authority to discuss future funding to do that. As my hon. Friend has said, swimming is an emotive issue. People want pools to be protected, and in some cases there is an opportunity for local authorities to shut a dilapidated pool in the hope of replacing it. In Bradford, pools have closed but have not been reopened elsewhere. I hope that that can be put right. My hon. Friend made the same point about pools in Wales. We must protect existing pools, and through the offer of the capital fund it may be possible to assist some local authorities in Wales and elsewhere to maintain pools that need attention.

It is important to consider the issue of elite sport and to take the opportunity to make sure that we have the right pools. Particularly relevant are the 50 m pools that my hon. Friend described. There are 18 indoor 50 m swimming pools in England, and a further nine, such as at Portsmouth and Hillingdon, are either under construction or proposed. Therefore, every region in England will have at least one 50 m swimming pool. We are told by Sport England that that will meet the demand that exists for quality and the right location.

School swimming is vital, and my hon. Friend is right to raise the issue of lessons and their cost. We want to include that in our discussions about how we fulfil the aspiration of free swimming, particularly in relation to hard-to-reach groups: people on low incomes who cannot afford to learn to swim, and people who do not think that swimming is for them. We want to open the access and opportunities as much as we can. My hon. Friend has pointed out that swimming is universal—it is an

activity that people can do together. Whole families at different levels of ability can go together and enjoy being in the pool.

We believe that the situation in Wales is a good example of how things can be done. To develop things further throughout the country, we need to learn some lessons from what happened in Wales. My hon. Friend is right to say that broadly, everyone is happy with the proposals and the development of the free swimming agenda in Wales. It is encouraging for me to see how leading local authorities such as Wigan, which now offers opportunities for free swimming, have learned lessons from what has been done elsewhere.

All hon. Members of all political persuasions will welcome the announcements that we made on Friday, on the basis that we have an opportunity to consider the health and well-being of the nation and the need to get people physically active. The foresight report revealed problems in relation to obesity and the horrendous challenges that we shall face if people do not become more active in future years. We all know the burden and the cost that there will be to society and Government because of the effect on health. Swimming gives people the opportunity to experience the delight and health benefits of being active and an increased heart rate, thereby becoming fitter.

Swimming is a key element of the sporting activity that we can enjoy. We need to be successful in what we propose and to make sure that we achieve our aspiration by 2012. The swimming authorities—particularly the ASA—have given detailed attention to the matter. My hon. Friend will be aware of the recent cycling championships and the 10 out of 17 available gold medals that were won; cycling is a sport that has been looked at right from the start. The same has happened with swimming at every level; there has been consideration of what is needed to improve participation levels at recreational sites, and of how to develop the sport all the way through. I was pleased a few weeks ago to be at the 50 m pool in Manchester to see swimmers—UK swimmers in particular—succeeding at the Paralympic World cup. It was inspiring to see them deliver championship performances.

Swimming, like most sports, connects people and is an inspiration to them. It can develop self-esteem and encourage teamwork. The timing of today's debate is appropriate. I hope that my hon. Friend will continue to support our ambition of making sure that swimming is delivered according to the widest possible remit. I congratulate him on securing the debate.

NHS Co-payments (Mrs. O'Boyle)

12.59 pm

Mr. John Baron (Billericay) (Con): I am grateful for this opportunity to raise the case of my late constituent, Linda O'Boyle, who died earlier this year, sadly, after treatment for bowel cancer. Her case is both terribly sad and hugely frustrating. She was a warm-hearted woman with a great sense of humour who gave much of her life to the national health service and helping others. When she became ill, she had every right to expect that the NHS would be there for her, but it was not. The health service let her down in her hour of need.

Many patients have suffered because the NHS does not allow co-payments, which involve a patient paying privately for a drug not funded by the NHS while continuing to receive the basic NHS package of care. If patients want to top up their care, Government policy requires that free NHS treatment be withdrawn. Often, treatment is eventually delivered within the NHS setting, but the patient is presented with the bill for all aspects of care. Sometimes, as in the O'Boyle case, the patient is forced to go private for everything.

The facts of the case are straightforward. Linda was diagnosed with bowel cancer, and at first her treatment at Basildon and Southend hospitals went well. However, it was decided that she needed a second line of treatment with irinotecan earlier than planned. Then her consultant had to inform the family that treatment was not working, which came as a great shock. The desire to save or extend the life of a loved one is immensely strong. The family were desperate to find another treatment, and the consultant suggested that only cetuximab offered a realistic hope of extending Linda's life.

However, as we know, cetuximab is not available on the NHS, as it was turned down by the National Institute for Health and Clinical Excellence on the grounds of cost-effectiveness. Whatever one's views about NICE and the fairness of some of its decisions, the relevant fact is simply that state-funded health care was unable to provide Mrs. O'Boyle with the treatment that her clinician said she needed.

Mr. Frank Field (Birkenhead) (Lab): The hon. Gentleman talks about "free" and "state-funded" NHS care. I remind him of his Thatcherite roots. We taxpayers, including Linda, pay for our care.

Mr. Baron: I accept that point 100 per cent. Mrs. O'Boyle had paid for her care through her taxes, of course, which is why her care should have been free, to use my terminology. She should not have had to pay for it. That is the cause of the problem.

Mr. Field: If one accepts that we pay for our NHS care at a different time than we draw the benefit, the false dichotomy that the Government have erected falls to the ground. One wishes to top up the payments that one has already made. Given that the Government want to encourage public-private sector arrangements, I find it extraordinary that they do not want public-individual citizen projects such as the one Linda wished to do.

Mr. Baron: I fully accept where the right hon. Gentleman is coming from. I take his point on board, particularly considering—I shall come to this point later—that in

[Mr. Baron]

many other areas of the NHS, patients can top up without having their care withdrawn. That is a contradiction that the Government need to resolve.

The family decided to pay privately for the drug. Mrs. O'Boyle had hoped to receive cetuximab at the family's expense at Southend hospital while continuing to receive care as a cancer patient. It is worth emphasising that the family were exceptionally happy at that stage with the care that they had received within the NHS. The issue is not about doctors, nurses or consultants, for they did an excellent job of caring for Linda as far as they were allowed; it is about Government policy, which prevents them from doing their job.

One might have expected the NHS to do everything possible to help Linda O'Boyle—after all, its purpose is to extend life—but the family were told that that would not be the case. The family ended up paying for all the necessary treatment, including care that ought to have been available on the NHS. It is difficult to escape the conclusion that the NHS effectively walked away from a dying woman in her moment of need, a woman who had given most of her life to the NHS.

Naturally, the cost to the family was huge. They also had to meet the cost of private consultations, prescription charges and home nursing care and pay the full market price for irinotecan and cetuximab. Taking everything into account, the total cost was around £14,000. It would have been £50,000 if Linda had survived the full six months of treatment. Seeking to extend the life of loved ones is not an aspiration unique to the rich. People are prepared to make great sacrifices to hold on to someone they love.

With the family's consent, I raised the issue with some newspapers, and it has received very good coverage during the past few weeks. Such publicity is never easy for the relatives involved, but Mr. O'Boyle and his sons took the decision to go public because they feel strongly that what happened to Linda was wrong and must not happen to other people. I commend them for that attitude. Mr. O'Boyle and one of his sons have joined us for this debate. Many other patients all over the country find themselves in similar situations. *The Sunday Times*, among others, has done splendid work to give them a voice. The best-known example is probably the breast cancer patient Colette Mills.

As for the arguments used by the Government to prevent patients from making co-payments, I have the benefit of anticipating some of the Minister's remarks, as I wrote to the Secretary of State earlier in the year about the issue. The reply that I received was, in my view, confused and inhumane. Let us be clear: co-payments are not about taking care from any other patient in order to help another patient go private. A drug is paid for privately, not subsidised by the state. The arrangement represents a move to a Pareto optimum. One patient benefits without any other patient being harmed.

The Government say that co-payments must be banned because otherwise we would be treating patients unfairly and creating a two-tier system, in which all patients would not be treated equally. That argument misses the point. Simply because a patient opts for some non-NHS treatments does not mean that the NHS cannot treat all patients equally in respect of the state-funded care that they receive. Each patient can still receive the same level of NHS care. Patients seeking co-payments are not asking for special favours, preferential treatment or a hand up from the NHS; they are simply asking for their standard package of care to be continued alongside the top-up. Patients whose NHS care has been withdrawn feel, understandably, that they are the ones being discriminated against because of their ability to pay. That cannot be right.

There is a world of difference between treating all patients equally and penalising some patients because they have the means to top up their treatment. It makes a mockery of the Government's second argument for banning co-payments, which is that a ban is somehow needed to keep the NHS free at the point of need. However, in the case of Colette Mills or Linda O'Boyle, the NHS is the very opposite of free at the point of need. Not all drugs are available on the NHS, because NICE turns down some treatments. Also, free NHS care is withdrawn when patients try to top up. That is not care free at the point of need.

The Government have a novel way of trying to get around the problem: they hide behind semantics. The Government argue that NHS guidance states clearly that someone cannot simultaneously be an NHS and a privately funded patient of the same NHS hospital within the same episode of care and that all NHS treatment for the same condition, such as bowel cancer, counts towards the same episode of care. Ostensibly, it is because the Government do not want to mix private and public funding, but that argument is clearly absurd. For one thing, some drugs are available free on the NHS and others are not. How can two treatments be part of the same episode of care if one is free and the other is not?

If the health service itself has chosen to differentiate between treatments through the NICE process, it is hypocritical to condemn patients for seeking to do likewise. Michael Summers of the Patients Association made that point in a similar way. He suggested that the public does not see the same episode of care as being a crucial distinction. At the end of the day, the public will just say that care is care. The Government are hiding behind the semantics of how one defines an episode of care, because they lack the courage, or perhaps even the initiative, to deal with unjust policy. All that is required is an open mind, and then guidance can be changed.

Another reason why the Government's position is perverse is that co-payments are already happening throughout the NHS and other public services. If I go to an optician as an NHS patient, and receive a free pair of glasses, nothing is to prevent me from using my own money to buy contact lenses—NHS care is not withdrawn. Likewise, if I go to a dentist and have an NHS filling, and then pay privately to have teeth cleaning or whitening, NHS care is not withdrawn. Meanwhile, we have private beds in NHS hospitals, using NHS equipment and staff. Again, patients do not have other aspects of care withdrawn. We could look outside the NHS: state education is not withdrawn simply because a child has access to private tuition. The state education system is there for everyone, regardless of whether private tuition takes place—state education is not withdrawn.

What is so different about cancer drugs and treatment? If co-payments are good enough for teeth whitening and contact lenses, why are they not good enough when it comes to prolonging, extending and perhaps even

saving life? Many people are asking those questions outside this Chamber, but no one seems to have an answer—certainly not the Government. Britain's cancer survival rates still lag behind the European average, partly because we do not have the same access to the best new drugs. In that respect, we are the poor patients of Europe, which is shameful given that Britain is home to some of the leading drug companies in the world, and to some of the leading cancer research institutes in Europe. The NHS needs all the help that it can get. If anything, we should be empowering, not penalising, patients who opt for co-payments.

This issue will not go away. Many exciting new drugs are coming through the pipeline, and it is forecast that they will be available over the coming decade. Patients and their clinicians will, understandably, want to use them, but NICE will not be in a position to give the thumbs up to all of them. The NHS has a hard choice to make: does it stick with the current policy, born of ideological dogma? Does it hold back patients from accessing the best care for themselves and their families? Does it walk away from dying men and women whose only offence is to use their own money to extend their lives? Or do we, as a nation, do what we can to empower as many people as possible to access the best of the new treatments, without holding back, or penalising, those who cannot afford top-ups? The only civilised answer, for any nation facing this dilemma, is to save, or prolong, life wherever possible. Anything else is a far greater betrayal of the founding principles of the NHS and medicine. This inhumane and illogical policy will one day change. The question is: how long will it take the Government to recognise that, and how many patients will pay the price between now and then?

1.14 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate the hon. Member for Billericay (Mr. Baron) on securing this debate, and join him in publicly offering my condolences to Mr. O'Boyle, and his sons, on the loss of his wife. Unless one has been in such a situation, one can never fully understand what it must be like to experience such pain and misery. However, it is easy to talk about Government being inhumane, but I think that it is a cheap shot—nobody in this situation is inhumane. Politicians on both sides of the House have experienced the same situation, and we should try and avoid making party political jibes. It is an incredibly serious and substantive issue that merits a serious and substantive political and public debate in order to reach the right conclusions.

Mr. Baron: I think that the Minister misheard. I did not accuse the Government of being inhumane, but the policy. I want to make it clear that I am certainly not trying to play party politics.

Mr. Lewis: I accept the hon. Gentleman's reassurances. We have some very important and serious issues to address as part of this debate.

It is difficult to explain, but it would not be appropriate to talk about an individual case, so I must keep my remarks general at this stage. However, we must be clear that no one should ever be denied the offer of NHS care. That is a fundamental principle, on which our guidance is clear. Patients are entitled to switch from privately funded to NHS-funded status, and should then receive treatment on the same basis as any other NHS patient, and be offered treatment based on clinical need. Any previous status as a privately funded patient should, as far as is practical, neither disadvantage them nor allow them to access NHS care in a preferential way.

More treatments than ever are now available on the NHS, and cancer treatment and survival rates in this country have improved dramatically. However, any publicly funded health care system will always have to make difficult decisions about what treatments are available, and some treatments are not generally available on the NHS. We set up NICE, which is now regarded as a world leader, to assess the clinical and cost effectiveness of drugs and treatments based on the latest evidence. Primary care trusts have a statutory duty to fund the use of drugs that are recommended by NICE technology appraisals, ensuring that proven treatments are available to everybody.

The inevitable consequence of the NICE process, however, is that some PCTS will decide not to fund some treatments. For example, a treatment might not have received a safety licence from the Medicines and Healthcare products Regulatory Agency, or NICE might find that it does not give patients enough clinical benefit to justify the expense. Those decisions are never taken lightly, and NICE will always find itself in difficulty when making decisions seen to deny people drugs that they genuinely believe will make a difference to the length or quality of their lives. There is never a controversy when NICE approves drugs, but it will inevitably follow some of the incredibly difficult decisions that it must make.

There has been tremendous political consensus about the virtues of having a NICE-type system to make some of those very difficult decisions: it is removed from party politics and creates an entirely independent process governed by legislation established in this House. It is important to be clear that it would be inappropriate for Ministers to intervene in and undermine every difficult decision that NICE makes.

Mr. Baron: I accept what the Minister says to a certain extent, but in this context NICE is a bit of a red herring. The point here is about co-payments and access to drugs not available on NICE—not about how it makes its decision. Patients should not be penalised by an NHS that then withdraws care simply because they have access to those drugs.

Mr. Lewis: I accept the hon. Gentleman's point, but for many patients and families, the difficult decisions that NICE makes are sometimes a great source of angst. They can find those decisions hard to understand because they believe that having access to a certain drug would make a massive difference to their chances of living or dying. It is important to contextualise the debate in that sense.

Moving to the specific issues that the hon. Gentleman has raised, we are not in the business of denying people access to private treatment if that is what they want. A patient may receive both NHS and private treatment for the same condition, in parallel, as long as—this is the key phrase—the two treatments are in separate episodes of care. Our most recent guidance specifies that a

[Mr. Ivan Lewis]

patient cannot be both a private and an NHS patient for the treatment of one condition during a single visit to an NHS organisation, but an in-patient can choose to change their status before the treatment begins provided that they are then assessed to determine their priority for NHS care. I reiterate that that has been the position in this country for at least two decades and is not a consequence of any particular NHS reform by the Labour Government. The position is more difficult when a patient seeks to pay for part of an episode of care while expecting the NHS to pay for the rest. That has never been allowed in the 60 years of the NHS.

The legal basis for the ban on mixing private and public funding is in section 1 of the National Health Service Act 2006, which says that NHS services

"must be free of charge except in so far as the making and recovery of charges is expressly provided for by or under any enactment, whenever passed."

That prevents NHS bodies from accepting payments for NHS services unless that is provided for in legislation. It also prevents an NHS body from providing an incomplete package of care that patients then top up. For example, if a patient's treatment is the administration of a particular drug, their treatment includes both the purchase and administration of that drug. If an NHS organisation allows a patient to pay for a drug but administers it on the NHS, it is effectively charging for an NHS service.

Mr. Frank Field: May I make a plea to the Minister, who is held in high esteem in this House? I hope that when he goes back he will tell his Department that he does not want to be sent out with a brief like this again. We are arguing not about what the law is—we know what the law is—but for the law to be changed. Will he deal with that?

Mr. Lewis: I will: I was about to say that section 1 is consistent with the way in which the NHS has considered this issue. My right hon. Friend is not being disingenuous, but it is slightly disingenuous to accuse successive generations of clinicians, politicians and other people who believe passionately in the NHS of not having considered this issue in fundamental depth. Of course, there needs to be a debate on this issue, but it is not a new issue that has emerged in the past few days, weeks or months. It has been a constant debate throughout the 60 years of the NHS.

Ministers have to place on record the legal realities. The hon. Gentleman and others are arguing for a significant change in legislation, which would, arguably, be a significant change in the fundamental ethos that underpins the NHS. That might be a source of difference between us, but to change the legislation and policy in the way that he advocates would be a major shift in policy and legislation. We must also be aware, as I know that my right hon. Friend is, of unintended consequences, which I shall address in a moment.

Mr. Baron: The Minister talks about a major shift being required, but the only major shift that is required is having an open mind to changing the guidance. Top-ups, or co-payments, already exist in many areas of the NHS—I have cited some examples. Will the Minister address a specific point? The Department's ban on co-payments takes the form of guidance rather than instruction, which means that NHS trusts across the country are using their discretion when such cases arise. If the Minister truly believes his argument against co-payments, why does he not close that loophole? He says that this matter has been discussed for quite some time.

Mr. Lewis: We would have to be persuaded that that would be right, would be in the interests of patients and would take account of the almost daily advances in medical science for health care in this country and globally. To look at this issue in the context of the situation facing the O'Boyle family, it would be difficult not to feel tremendous empathy with the case being made, but we must consider, if we are to change policy or legislation, that there might be a series of unintended consequences that might not be apparent to the hon. Gentleman.

Mr. Baron: Will the Minister give way?

Mr. Lewis: I have given way enough, but I will give way one last time.

Mr. Baron: We are not being party political, so we can be generous in giving way. Perhaps I did not express myself clearly, but the Minister did not address my central point. The Department's policy on co-payments—the ban on them—is in the form of guidance, not instruction. That allows PCTs up and down the country to use their discretion when implementing co-payments or not doing so. If the Minister is absolutely convinced by the case against co-payments, why does not he simply ban them and close that loophole? The Government are allowing the loophole to exist.

Mr. Lewis: We will have to consider that point as a consequence of this debate. No one is suggesting that we can ignore the sensitive and difficult considerations that the issue of top-ups raises, such as whether NHS guidance is being applied consistently across the country. We have a constant debate in the NHS about the balance between having a universal, national service and having local flexibility, discretion and autonomy. To some extent, the aspiration of all Governments is to minimise postcode lotteries where possible. We know that decisions taken at the local level can, from time to time, be very different depending on the judgments of managers and clinicians, and this matter is no different to that. However, we are willing to consider the implications of the debate in the context of an ever-moving landscape of treatments and drugs that are becoming available.

I conclude by quoting Dr. Colin Trask, the director of clinical oncology at Southend hospital, whose comments are important. He has said.

"At Southend hospital, our annual budget for drugs has gone from £1 million to £6million over the past decade. We have the money to spend on drugs. It's not about cost. It's about what is best, not just for a patient's life but for their quality of life...If it was in their interests, they would get"

the drug. He went on:

"Even if it is not available on the NHS, we would try to find a way to get it for them, by referring them somewhere they could get it, perhaps as part of a drug trial. But if it wouldn't help them, we would explain the drug is very toxic and would mean them spending their last bit of time in hospital feeling very ill...Also,

with cancer treatments, it can be extremely dangerous to mix certain drugs, so there are genuine safety concerns behind these co-payment regulations...these days, people hear of drugs through the media which are hyped as miracle cures when really that not the case."

Dr. Trask is an eminent clinician, and he has highlighted my point about the potential unintended consequences of simply changing law and policy in a way that some would describe as common sense and fair, but that others would define as opening a can of worms. Such a change might lead to a situation that would not be in the interests of patients and the NHS.

Mr. Baron: Does the Minister consider that a doctor's professional duty to his patients overrides the Department's guidance—returning to guidance again—where the two may be in conflict?

Mr. Greg Pope (in the Chair): Order. I am very sorry, but we have to move on to the next debate.

Unused Medicines

1.30 pm

Ben Chapman (Wirral, South) (Lab): I am pleased to have secured the debate and privileged to take part in it under your chairmanship, Mr. Pope. I must declare an interest at the outset: my wife is a locum pharmacist. Obviously, the words that I shall deliver will be mine, but I am bound to be influenced by our conversations at home. It is because of them that I have taken a long-term interest in medicines management in the NHS.

Unused medicines are costly. It is estimated that they cost the taxpayer as much as £800 million a year in the UK, as the Department of Health estimates that as much as 10 per cent. of all drugs prescribed are wasted. The value of medicines returned to pharmacies and general practice surgeries is thought to be some £100 million annually. Wasted medication is costing the NHS in the north-west, for example—you will understand this yourself, Mr. Pope—some £40 million annually, and £2.5 million in Wirral alone. That could pay, for example, for 500 more hip replacements, 350 more heart bypass operations or 3,500 more cataract operations. I am not saying that they are directly related, but that is a lot of money that could be used for beneficial health treatment.

In addition to those vast sums, the National Audit Office has estimated that primary care trusts could save more than £200 million, without affecting clinical outcomes, through more efficient prescribing. There is thus a business of waste that costs something of the order of £1 billion. There are two issues at hand: the prevention of medicines wastage and the encouragement of more efficient prescribing. I have limited time at my disposal, but I shall suggest some ways in which we might conserve time, money and staff resources. I wish first to explore how we can prevent the wasting of medicines, starting with the patient's role.

Patient concordance, as it is known—the extent to which patients comply in taking the medicines prescribed to them—is a key issue, and more research needs to be conducted. Those who prescribe and administer medicines need to ask more questions about the deficit in patient concordance. The recently published White Paper, "Pharmacy in England: building on strengths—delivering the future" acknowledges that.

An analysis of unused medicines returned to one PCT alone showed that half the packs were returned unopened. There are a few key reasons for that. Often, patients prefer their GP not to know that they are not taking their medicine, so they go on ordering it. There are those who think that they simply know best. They believe, broadly speaking, that drugs are harmful to them and they therefore do not take the medicine prescribed. Patients can also be fussy, often wanting a more expensive brand rather than a generic version of a drug. They do not like foreign or parallel imported medicine, or the less well known brands. Newly qualified doctors and dentists, perhaps out of caution, prefer to prescribe brand rather than generic medication. The costs associated with over-prescribing are therefore exacerbated by expensive prescribing.

There are large variations between PCTs in the extent to which GPs prescribe lower-cost drugs for the same conditions. Statins are one example. In the second quarter of 2006-07, the proportion of statin prescriptions that were lower-cost versions varied from 28 to 86 per cent.

[Ben Chapman]

among PCTs in England. Analysis of the prescription of four common types of medicines, which represent 19 per cent. of the drugs bill, showed that more than £200 million could be saved if all PCTs prescribed as efficiently as the top performing 25 per cent.

In patients' minds, there remains an incorrect assumption that drugs can be reused if returned. For example, 14 per cent. of patients believe that medication given back to a pharmacist or pharmacy can be redispensed to others who come in with a prescription for the same thing at a later date. Some 26 per cent. believe that unwanted medicines are sent to poorer, underdeveloped countries and can be used by patients who live there, and 14 per cent. of patients appear to believe that the NHS can get its money back when it returns drugs to their original producer. They think that the pharmacist can just send them back to the people who produced them. Those assumptions clearly need to be corrected if we are to reduce the amount of wasted drugs.

On a separate note, the environmental message does not appear to be well understood, either. Some 21 per cent. of patients dispose of waste medication in the dustbin together with their domestic rubbish, and 10 per cent. flush it down the toilet, with obvious environmental effects.

Repeat prescriptions can be administered through automatic reordering. That obviously has its advantages, but it also has its disadvantages. The fact that two different medications prescribed to a patient can have different cycles—for example, one lasting two weeks and the other eight—is not necessarily taken into account on the repeat prescription form. Therefore, each time a patient uses the form to get their next supply of medication, a backlog of unused medicines is collected. Equally, when repeat dispensing takes place, the process perhaps needs to be monitored more for errors.

The negative outcomes of unmonitored repeat prescribing and dispensing include stockpiling and patients taking medication that is no longer required. Should there not be a clear requirement that the patient or carer should request items individually every month? That is a matter for consideration. It is also important to note that our current system allows pharmacists to be paid one fee for each item on a repeat prescription. Perhaps that, too, needs to be considered and its cost-efficiency examined.

On another note, the self-administration of medicines by patients, which allows them custody and administration of their own medicines while they are in hospital, has been proved to improve patient compliance with medication regimes and so prevent treatment failure. In 2001, it was estimated that a quarter of hospital admissions were due to non-compliance with medicines regimes. Self-administration might therefore be encouraged whenever possible.

I wish briefly to mention the impact of medicines packaging on drug usage. Packages are often too large. Therefore, a patient might take only half the medication in any given packet. EU legislation on original pack dispensing stipulates that all relevant documentation should be included in a medicine's packaging. So, for example, blister packs of pills cannot be halved, as they would not necessarily be accompanied by the drug information found in the original packet.

There is no standardisation of pack sizes. Multi-packs regularly contain 30 pills for what might be a 28-day month. In itself, that is not a large difference, but multiplied across the board it means a fantastic number of wasted drugs. Other solutions such as smaller packets of drugs need to be found, to decrease medicine wastage.

I shall explore briefly how more efficient prescribing might be achieved. GPs' surgeries and hospitals can play their part, and GPs may need to communicate more effectively with their patients to ascertain whether they are taking their prescribed medication, so that it can quickly be stopped if that is no longer the case. Some patients decide to do as they think fit and not take drugs that they allege are harming them. Some surgeries give repeat prescriptions for two or three months as standard, which can result in huge wastage. Recent studies suggest that the supply of trial quantities of new medications to patients before the prescription of large amounts can help to reduce wastage.

An NAO report on medicines management in NHS hospitals raised concerns that some medical schools' curricula do not provide thorough enough instruction in medicine administration. About 70 per cent. of prescribing decisions are made by house officers and senior house officers, even though at that stage of their career they may have had little experience of medicines.

Only a small percentage of doctors in training report that their induction dealt adequately with medicines management issues. In addition, not all consultants are aware of the 30-day prescription limit on drugs, such as those for treatment of attention deficit. That suggests that much could be done to make those who prescribe medicines in hospitals more aware of up-to-date prescribing practice, which would encourage more efficient prescribing.

We must also look at the practice whereby prescriptions are passed directly from the GP to a pharmacy, whether it is one attached to the GP's surgery or another local pharmacy, on the basis of a phone call from the patient. There might have been little checking about whether the patient needed the ongoing prescription. There is also evidence that pharmacists are five times more accurate than doctors in writing discharge prescriptions. Where it is properly planned and supported, investment in clinical pharmacy improves the quality of patient care and reduces costs; I am sure that my wife will take note of that.

Pharmacies also inevitably play a role in this issue, especially in the form of medicines use reviews, which qualified pharmacists often conduct on behalf of individual patients. MURs, as they are known, are designed to help to reduce prescribing costs and wastage. However, MURs come at a significant cost, at around £27 each. They involve a patient having a one-to-one consultation with their local pharmacist about the medicines that they are taking, and in doing so they attempt to ensure that unnecessary wastage of medicines is prevented. Of course, I approve of that.

Furthermore, according to the Pharmaceutical Services Negotiating Committee, local evaluations of patient satisfaction with the service show that patient satisfaction is high. However, it has not been definitively proven that the benefits of that service outweigh the cost. In 2006-07, for example, accredited pharmacies in the Wirral PCT area alone were paid more than £100,000 for providing

about 4,000 MURs. There have been instances where individual pharmacies have exceeded their maximum of 400 claim payments a year for MURs. In 2006-07, the excess payment was £67,650, or about 2,700 claims. It needs to be established that that exercise is necessary and not just an exercise for making money; that is perhaps not a well-chosen phrase.

There have been numerous awareness-raising campaigns locally to try to encourage patients not to waste their medicines. Wirral PCT recently launched a campaign to highlight the problem of wasted medicines, which was very effective. Indeed, I was able to be present when one pharmacy, P. Williams Pharmacy in Lower Heswall, received an award recently for the best window display in that regard.

GPs and community pharmacists joined the overall campaign by producing window displays that encouraged people not to stockpile medicines, only to order what was needed and to take all their prescriptions if they were going to hospital. However, I believe that such local campaigns only go so far, as they do not have the coverage that, for example, a national TV campaign would have. We need to invest in getting the message across, not just locally but across the country. An effectively co-ordinated national campaign and more work by and in relation to hospitals, pharmacies and GPs would increase awareness of this issue significantly.

I should like to comment briefly on the White Paper, "Pharmacy in England: building on strengths—delivering the future", which was published in April. That White Paper is obviously a very considerable step in the right direction, and its call for a more integrated approach when dealing with patients and their drugs is welcome. However, the White Paper failed to include significant detail about how that aim was to be achieved. In particular, it is crucial that it is explained how the Expert Panel on Health Services Research in Pharmacy will consider the longer-term impact of MURs on compliance with prescribed medicines.

I hope that I have helped to demonstrate that there are many reasons why medicines go unused and many factors that contribute to their wastage. Part of the problem is that there is no uni-professional approach. Various health care institutions have tackled the problem independently, rather than there being a single integrated health service structure situated within a given community. It is perhaps notable that there is no official guidance on the duration of prescriptions—a situation that may not be helpful. I believe that a national awareness-raising programme would be cost-effective in highlighting this issue, both to health care professionals and to patients.

It is fair to say that patients are not fully educated about medicine usage, first about the advantages of patient concordance and secondly about what happens to their medicines if they are not administered, even if they are later returned to a pharmacy. If people were more aware of the waste and the cost involved, surely less waste would occur.

What is needed is not just an approach that raises awareness but a systemic approach. I hope that the publication of the White Paper helps to bring together the strategy needed to tackle the issue of unused medicines, with the result that more money can be spent on health care services that will be used and valued, giving the taxpayer greater value for money. In health care, perhaps above all else, we cannot afford such high waste. Every penny going into health care needs to be effectively and wisely spent.

1.46 pm

The Parliamentary Under-Secretary of State for Health (Ann Keen): It is a particular pleasure, Mr. Pope, to serve under your chairmanship today. I congratulate my hon. Friend the Member for Wirral, South (Ben Chapman) on securing this debate, and I know that this issue is of great interest to him. He has given a further explanation of that interest in relation to his home life, and I am pleased to see that it is so well cared for and that he is so well-informed.

I can assure my hon. Friend that the Government are concerned about wastage from unused, unwanted and returned medicines. From my own experience working as a district nurse, I am very aware of the importance of community pharmacists and of the explanations that patients receive from them about how to use and look after medication. However, I would be the first to put up my hand and say that we do not have a robust method for determining the scale and cost of medicines that are unused and therefore wasted. The figure of £100 million a year is often quoted for such wastage, but according to some, the figure may be as high as £800 million a year, as my hon. Friend mentioned.

Medicines wastage was highlighted in recent reports from both the National Audit Office and the Public Accounts Committee when they considered prescribing in primary care. The view of both bodies was that a potential saving of £200 million to the NHS could be achieved by more effective prescribing, and that at least £100 million could be saved by reducing the amount of medicines that are wasted. They recommended that the Department of Health should update previous research to produce a more robust estimate of the scale of medicines wastage in England, and better information on why patients do not take their medicines as intended.

We have accepted those recommendations, and I am pleased to announce today that we have recently awarded a contract jointly to the universities of York and London to carry out research to determine the scale and cost of unused medicines and the varied and complex reasons why people do not take their medicines as intended. The findings of that research will inform policy development, influencing both health professionals and members of the public to reduce the amount of unwanted medicines, and providing value for money for the NHS. That research is now under way, and the results are expected to be available in 2009.

My hon. Friend mentioned medicines concordance and I am glad that he did so, as that is about involving patients in decisions on their prescribed medicines. This is another area in which we are working to improve matters, and the National Institute for Health and Clinical Excellence is developing clinical guidance on medicines concordance. It expects to publish its final guidance to the NHS in January 2009.

I agree with my hon. Friend that patients must play a big role in reducing the amount of wasted medicines. As I said, the reasons why people do not take their medicines as intended are varied and complex. Primary care trusts across the country are developing initiatives to raise

[Ann Keen]

awareness about waste medicines. In fact, NHS North West, which includes Wirral PCT—my hon. Friend's local PCT—carried out a major public awareness campaign toward the end of last year, aimed at achieving a significant reduction in the amount of unused medicines in the region, which would free up resources for local NHS services. We would encourage other areas to follow that example.

It has long been the Department's policy to encourage the prescribing of medicines by their generic name. That is good professional practice, and it provides opportunities for more effective use of NHS resources. Generic drugs are generally cheaper than their branded equivalents, but just as effective.

As far back as 2000, we recognised that patients used to managing their own medicines while at home should be supported in managing their own medicines while in hospital, if appropriate. Linking the two will create a professional team to raise awareness, and I know that good work is taking place in that area. We also know that non-adherence to medicines can be a cause of hospital admissions, so it is important that we tackle it.

My hon. Friend pointed out that many patients do not realise that returned medicines cannot be reused, and he is right to highlight that. Ministers regularly receive correspondence from Members and the public about that. As my hon. Friend said, we cannot promote the reuse of returned medicines from patients. Recycling of medicines is both unethical and unsafe, as it is not possible to guarantee that any returned medicines are still of good quality. They may not have been stored correctly—medicines left too close to a radiator or in direct sunlight may deteriorate—nor is it possible for a pharmacist to guarantee quality on physical inspection alone.

The code of ethics of the Royal Pharmaceutical Society of Great Britain states that, for reasons of hygiene and safety, medicines returned to a pharmacy from a patient's home, nursing home or residential home must not be supplied to any other patient. That applies similarly to donating unwanted medicines to developing countries.

Equally, while returned medicines cannot be reused, it is important, as my hon. Friend said, that people return them to their local pharmacy. All pharmacies provide services for the safe disposal of unwanted medicines. That helps to ensure that unwanted medicines are disposed of safely, not flushed down the toilet or placed in the dustbin, thereby helping to reduce harm to the environment.

I have not addressed all the points that my hon. Friend made on packaging and pack sizes, for instance, but research that we commissioned should indicate the extent to which they are a factor in preventing people, literally, from taking their medicine.

Another issue that my hon. Friend raised was over-prescribing. The National Audit Office and the Public Accounts Committee considered that real savings could be made through better prescribing by general practitioners—and now, of course, suitably qualified nurses and pharmacists.

Ben Chapman: I apologise for interrupting my hon. Friend. I wonder whether she might respond to the point about packaging at a later date.

Ann Keen: Of course I will. My hon. Friend raised such important issues and such a variety of questions that, sadly, because of the time, I am unable to deal with them all now, so I would be happy to do that.

The National Prescribing Centre is a nationally funded NHS body that supports the NHS in England in improving the cost-effective and safe use of medicines to the benefit of patients and the service. It has produced good practice guidance on the approaches that the NHS might adopt to secure efficient and effective use of resources across primary and secondary care, including repeat prescribing. The General Medical Council has also produced good practice guidance on prescribing medicines.

Strategic health authorities and primary care trusts employ more than 1,200 prescribing advisers, often pharmacists, to encourage and secure rational and cost-effective prescribing and to provide a source of advice and support for prescribers in their area. Research indicates that the input of a pharmacist can yield £2 for every £1 invested. Many PCTs are encouraging prescribers to issue 28-day prescriptions to help reduce waste, and most GP practices have developed repeat prescribing systems that require them to review a patient's treatment at fixed intervals before issuing a new prescription. That provides an opportunity to discuss with the patient whether their treatment needs to be continued, and can help to reduce waste by stopping unnecessary treatments.

However, we continue to believe that prescribing is a matter best left to the health care professionals involved in a person's care. We therefore need to balance that with patient convenience and minimising waste, but we do not think that new regulations are the best approach. Building on the success of the better care, better value indicators on the prescribing of statins, which has already realised savings worth some £80 million a year, the Department and the NHS Institute for Innovation and Improvement are considering developing a composite indicator comprising statins, angiotensin converting enzyme inhibitors, proton pump inhibitors and generic prescribing. However, we would consider issuing guidance to the NHS to tackle waste medicines, if the research that we have commissioned provides clear data that show that such guidance would make a significant difference.

Turning to my hon. Friend's constituency, I am pleased to learn that Wirral PCT has invested in a medicines management team since 1999. It is responsible for promoting rational, safe and cost-effective prescribing, identifying and implementing areas for improvement, engaging GPs, managing the interface with secondary care prescribing, ensuring that systems are in place for the safe administration and use of medicines, and monitoring and developing community pharmacy services. The PCT has been successful in achieving year-on-year savings of more than 1 per cent. of its prescribing budget, which allows it to re-invest in patient care. The efficiency savings have driven a range of service, premises and educational developments, and I congratulate Wirral PCT on its achievements.

I am pleased that my hon. Friend acknowledges the role that pharmacies have to play in all this. I shall not mention any personal lobbying. Pharmacists, with their specific expertise in the use of medicines, can be capitalised on to tackle persistent problems relating to poor use of medicines, and the safe and effective use of medicines and associated costs.

The new contractual framework for community pharmacy supports a range of initiatives such as repeat dispensing, clinical medication reviews, and medicines use reviews to help patients get the most from their medicines, while at the same time minimising the wastage of medicines by optimising their use.

However, there remains room for improvement. Our White Paper, "Pharmacy in England: Building on strengths—delivering the future", which was published in April, sets out our proposals for encouraging patients and the NHS to make better use of medicines by achieving further progress on repeat dispensing, by improving the use of medicines and people's adherence to them, and by supporting people regarding newly prescribed medicines for a long-term condition, which is an exceptionally important area.

In particular, the White Paper suggests improvements for the MUR service, including allowing PCTs to prioritise MURs to meet their local health priorities, including health improvement, and to monitor the service more effectively. Ministers agree that the White Paper should not dictate to the service exactly how things should be done. Instead, it should allow us to move forward in the spirit of partnership with those charged with commissioning and delivering pharmacy services. We have therefore recently held several listening events around the country, which were well attended. They have helped to inform our thinking, and we will discuss our proposals in more detail with interested parties over the coming months. I am confident that my hon. Friend will contribute to that process of listening and acting.

Question put and agreed to.

Adjourned accordingly at two minutes to Two o'clock.

Westminster Hall

Wednesday 11 June 2008

[DR. WILLIAM MCCREA *in the Chair*]

Specialist Trauma Response Teams

Motion made, and Question proposed, That the sitting be now adjourned. —*[Mr. Roy.]*

9.30 am

Mr. Mark Oaten (Winchester) (LD): Even after 11 years, one of the joys of this job is that, every now and then, I come across an issue about which I know nothing. Somebody comes into my surgery, gives me a briefing and I go away thinking, "That's extraordinary. I had no idea that was going on." Specialist care for seriously injured people is such a subject.

A few months ago, a couple of my constituents—Phil Hyde and Ewan McMorris—briefed me about the work that they did. They said that the subject that they wanted to discuss was pre-hospital care, and I assumed that they would talk about rehabilitation, drugs, therapy or something that would prevent people from going into hospital. However, as the conversation developed, it became clear that they are providing an enormous specialist service, particularly in Hampshire. This morning, I shall go through some of the facts and figures about the service that they provide and consider how the Government can do more to support such work.

In essence, the role of those people is best described as taking the skills of an accident and emergency department out to serious accidents and injuries—most typically, a road traffic incident. The service they provide is different from that of the ambulance service, paramedics and first responders, who are now quite commonplace and whom many of us will have in our constituencies. The philosophy behind immediate care is the prevention of the deterioration of a patient in those first critical minutes between the time of an accident and before they are taken to the A and E department.

I had assumed that such a critical service would be part of the NHS, but it is not. I was surprised to discover that the service is provided by volunteers, charities and a couple of organisations that work closely in the field. The British Association for Immediate Care—BASICS—and the Mid-Anglia General Practitioner Accident Service, which is an emergency medical charity, are the major players in the service. My amazement at the service they provide, coupled with my astonishment that it was not centrally funded, meant that I decided to probe the matter and do a bit more work on the subject.

I am delighted that my hon. Friend the Member for Romsey (Sandra Gidley) is here because I know that she has met the individuals concerned and has taken up some of the issues on their behalf. In Hampshire, we are lucky to have the service that they provide. On average, they attend an incident between two and eight times a day. In the Hampshire area, there were 1,200 requests a year for basic doctors and, through the work the charity does and the volunteers that it has, it is able to attend 750 of those calls. There is a big demand, but the worrying statistic is that although it is good that we have volunteers, they are not able to meet all the calls made on their watch.

The work involved often relates to traffic incidents, and we know that, on average, some 3,460 traffic fatalities take place each year. We also know that trauma is one of the big causes of death in this country. The latest figures suggest that trauma remains the fourth leading cause of death in western countries, including this country. Clearly, much work needs to be done to try to reduce the number of deaths. For each trauma death that takes place there are two survivors, who often end up with a serious and permanent disability. Anything that we can do to reduce the disabilities and injuries from which such people suffer will have a big impact on their lives.

The model that we have in this country differs from the rest of Europe. For example, Germany takes a different approach to trauma care. There is a nationwide network of helicopters and road vehicles that can, in 95 per cent. of cases, get a skilled doctor to the scene of an incident within 15 minutes. We even trail behind America in relation to trauma care. The UK mortality rate for severely injured trauma patients who are alive when they reach hospital is a staggering 40 per cent. higher than that of the US.

We know that the level of trauma-related deaths is high in this country, and that other European countries and America are able to tackle the problem better. We also know that, despite the various forms of support provided by ambulances, paramedics and first responders, there is still a desperate need to have skilled consultants and doctors who are able to get out to the incident. In Hampshire, although demand for the service is high, it is funded by charities and good will.

Why is it so important to have specialists as part of the service, and what do they do that is different from first responders and paramedics? First responders would be the first to acknowledge that they are not fully medically trained and can in no way replicate the work of a specialist doctor in A and E. It is also the case that, despite the wonderful work that paramedics do, their degree course lasts just three years. Let us compare that with the training required to be a consultant. Typically, a consultant in A and E would get five to six years at medical school and then a structured 12-year training programme before becoming a consultant. That is the level of skill and knowledge required to treat the most severe incidents of trauma.

The particular specialist skill needed relates to the airways and breathing of patients who have had severe head injuries. Paramedics are not trained to clear the airway or use the necessary drugs and anaesthetics in the treatment of those injuries. In many cases, paramedics are legally prevented from doing so because they are unable to administer the drugs. All the evidence that I have seen suggests that the critical area that an individual needs to have treated at an incident is around the airway, and that anaesthetics and drugs need to be issued. None of those who currently attend incidents are able to treat that specialist injury. However, the specialist consultants from A and E departments can do so, and we are trying to ensure that more of them can carry out that particular work, often at the roadside.

A fair bit of work and research has been done on the subject. The most recent report was in 2007 when the National Confidential Enquiry into Patient Outcome

[Mr. Mark Oaten]

and Death produced a report entitled, "Trauma: Who Cares?" The report takes a general look at how we handle a situation when there is an accident leading to trauma, and considers what happens in the first few moments after an incident. It states:

"The current structure of prehospital management is insufficient to meet the needs of the severely injured patient. There is a high incidence of failed intubation and a high incidence of patients arriving at hospital with a partially or completely obstructed airway. Change is urgently required to provide a system that reliably provides a clear airway with good oxygenation and control of ventilation."

The report highlights the particular specialist skills needed at the scene of an accident. In the study, NCEPOD produced an analysis stating that 60 per cent. of patients whom it looked at received a standard of care that was less than good practice. It also states:

"Many of these clinical issues were related to the lack of seniority and experience of the staff involved in the immediate management of these patients."

Again, the critical issue is seniority and people having the skills to tackle breathing and airway problems.

It is not just NCEPOD that has looked at the issue; the Royal College of Surgeons has also raised concerns in a number of studies. Initially, in 2000, the college called for defined trauma systems comprised of major trauma centres to be established in each region. It describes—in its words—

"the lack of political will"

to tackle the issue. It revisited the subject in 2006 and reported little progress or improvement. Its analysis is that the likelihood of dying from injuries has remained static since 1994 despite great improvements in trauma care, training and education. There are not many areas of the health service in which things have remained static since 1994, certainly under the Labour Government—I welcome some of their investments. With many of the indicators, one can see that the advancement of knowledge has been matched by improved outcomes, but this area has remained static since 1994.

Last night, the RCS e-mailed me with a further update on the issue, in which it raised more concerns. It welcomes the fact that volunteers and charities are putting provisions in place throughout the country, but says that coverage is patchy. It describes a postcode lottery and says that there is great inequality in access to and provision of pre-hospital critical care. As a consequence, there are preventable pre-hospital and early-hospital deaths that could have been averted had there been access to appropriate services.

It is troubling that the RCS is saying that we could save lives if we had that kind of system in place across the country. In its note, it estimated that a national system of 24-hour access to specialist physicians who could go out to incidents would probably require an additional 200 specialist practitioners, who would need to be funded. I do not have more accurate figures than that estimate, but if those are the kind of figures involved and if it would have a dramatic impact by cutting the number of deaths, as the RCS says and as other evidence suggests, it would be a small price to pay.

Air ambulances are critical to the ability to save lives after a traumatic incident; however, there are contradictions. I understand that, in London, daytime provision of the air ambulance is centrally funded, but that the evening service switches to charitable funding. There was a debate on air ambulances in Westminster Hall in February for which the RCS did a lot of work. It said how important the role of air ambulances is, but it was extremely concerned that it is left to charitable trusts and individual primary care trusts to fund them. The RCS argues strongly that it is excellent value for money to have an air ambulance.

Another issue that the RCS has raised is the provision of helipads close to accident and emergency departments. There are many examples—including one in Southampton, close to the constituency of my hon. Friend the Member for Romsey—of the ridiculous situation in which the air ambulance is able to get to the scene of a trauma quickly, but is then unable to land near the hospital and has to land a six or seven-minute ambulance journey away from it, so an ambulance has to go to the air ambulance and bring the patient to the hospital. After the air ambulance has provided such a quality service, having got to the scene quickly, it is enormously frustrating to the professionals involved that an additional journey is needed at the end.

Bob Spink (Castle Point) (UKIP): I am sorry to interrupt the hon. Gentleman's flow, because he is being extremely eloquent in showing how much he cares about this important issue. I congratulate him on securing the debate. Is he aware that when the new Queen's hospital opened in east London, with a specialist neurosurgical centre, the local council placed restrictions on the landing of air ambulances delivering patients at certain times of day? That was an unhelpful interpretation of the balance of inconvenience by the various players in that decision.

Mr. Oaten: I was not aware of that, and I find it extraordinary that a local council representing potential patients would take that decision. Certainly, my conversations with the chief executive of Southampton hospital suggest that he would not have that kind of difficulty with Southampton city council. He thinks that the population would strongly welcome hearing the sound of a helicopter and would find it reassuring.

Sandra Gidley (Romsey) (LD): I have written to Mark Hackett, the chief executive of Southampton University Hospitals NHS Trust. He is keen on having a helipad, but pointed out that funding for it is not available and that there would have to be some sort of public appeal to raise money for it. Given that we are talking about something that could save lives, does my hon. Friend think it right that local members of the public should have to dip into their pockets yet again?

Mr. Oaten: I had a similar conversation with Mark Hackett, who told me that the cost, on its figures, would be about £1 million. He hoped that it might be possible to reduce that cost by putting a helipad on top of a building and incorporating that into ongoing rebuilding at the hospital site. I am no engineer or scientist, but one would think that reasonably easy to achieve. It is breathtaking that such a service should have to depend on charity in today's modern world, particularly as it would cover a region with a radius of about 150 to 200 miles. It would provide a quality service covering

the Isle of Man and going through to Dorset, which is an enormous area. One would think, therefore, that it would attract public funding.

It is not for me to tell any of the three political parties what would be an eye-catching issue at the next general election—I am not standing at the next election, so I do not mind too much—but I should think that any party that commits to introducing 10 helipads across the country to ensure that individuals can get straight into an accident and emergency department would have a simple, popular message with a particularly low cost. It is extraordinarily odd that we leave the funding of air ambulances and their work to the good will of volunteers and charities. I hope that the Minister will comment on that.

Bob Spink: But will the hon. Gentleman accept that there are four political parties, please?

Mr. Oaten: Four, five, six or seven—anyone is entitled to put forward the policy, but it would be wonderful if the Minister prevented other parties from doing so by announcing something today.

Let me address what is the best way forward with funding. I totally understand that there are demands on Government funding and I am reluctant to say to a Minister, "Come on, cough up," because so many areas have to be funded. I know from parliamentary questions on this issue that the Minister and his colleagues have said, "Look, fantastic work is being done and we totally recognise that this is providing a real benefit to the health service, but it is for local PCTs to decide whether to fund it." That is a cop-out, because we know the pressures that local PCTs are under. Is it right to say that we are going to leave it to the lottery of whether a PCT is able to support such work? People throughout the country—certainly my constituents and, I am sure, those of other hon. Members—want the reassurance that they will get the best-quality support if they are involved in a major trauma anywhere in the country, but that is currently left to good will and chance.

I hope that the Government will consider this issue further and do more work on it. I am encouraged by some of the statements that have come from Ministers so far, who have at least acknowledged that there is more work to do. Lord Darzi said:

> "We have taken on board the recommendations of NCEPOD, not necessarily just regarding pre-hospital admission. We also need to have, and define for the first time, dedicated regional trauma centres. It is the one area where there is clear evidence that centralisation of services, with adequate competencies at the site of receiving hospitals, will significantly impact on the quality of care."—[*Official Report, House of Lords*, 7 January 2008; Vol. 697, c. 630.]

I could not agree more and I hope that the Minister present agrees with his colleague. With that in mind, I ask him to confirm whether he plans to meet the authors of the NCEPOD report. In a written answer in April, he told me that officials were arranging for a further meeting to take place, so I hope that progress has been made with people's diaries; indeed, the meeting may have taken place.

According to a written answer last year from one of the Minister's colleagues, who has moved on to the Home Office, the Government acknowledged the work of the RCS in this area and were hoping to do more work and have meetings with it. It would be helpful to know whether that work has been done and whether the Government have made an assessment of the RCS reports on trauma.

I was amazed to discover that the whole area of specialist trauma response did not exist as part of the NHS. Having met the surgeons involved, I am convinced that, despite the good work of paramedics, the ambulance service and first responders, there is a very big gap—the ability of high-quality experts with high levels of training to reach the scene of an incident quickly and provide the drugs, skills and airway support that definitely could, based on studies done so far, save lives. Linked to that is the question of a decent, funded air ambulance service. We need to put the two elements together. If the Government were prepared to move on this and to put some funding in—not necessarily fund the whole project, but put in some match funding—we could make a significant difference to the number of people who are dying unnecessarily in traffic accidents and as a result of other serious injuries.

9.51 am

Sir George Young (North-West Hampshire) (Con): I just want to add a footnote to the excellent speech made by the hon. Member for Winchester (Mr. Oaten)—my parliamentary neighbour. As you may have seen, Dr. McCrea, a high percentage of Hampshire MPs are present.

I pay tribute to the work of Dr. Phil Hyde and the team in Hampshire for raising the profile of this issue as well as providing the help that the hon. Gentleman described. Like him, I was not aware of the service until my constituent, Dr. Louisa Chan, who lives in Whitchurch, wrote to me. She is one of 19 volunteer doctors and one consultant nurse in the county who act as volunteers working for BASICS—in her case, after doing 56 hours of full-time work for the NHS. She uses her own car with a blue light in responding to call-outs. As the hon. Gentleman said, at the moment, the team can respond to about half the number of call-outs. Of course, they are not called out every time that an ambulance is summoned; they are called out only to the more serious emergencies where their skills could make the difference between life and death. I pay tribute to those volunteers. They were very active following the train crash at Ufton Nervet a few years ago; they were on the scene very quickly.

I want to put this issue in a slightly broader context. The hon. Gentleman touched on the fact that one could argue that this is not the only service that ought to be mainstream NHS but is slightly at arm's length from it. I suppose that the best example is the hospice movement, which one could argue ought to be mainstream NHS. It started off in this country totally independent, run by voluntary organisations, but it is now moving more towards the mainstream NHS; the hospice movement is receiving more support. In Hampshire, we have fantastic hospices: Naomi House, in the hon. Gentleman's constituency, and the Countess of Brecknock hospice and St. Michael's hospice in my own. That is an example of a service that started outside the NHS but is gradually being absorbed into the bloodstream, if I can put it in that way.

[Sir George Young]

The other example, which the hon. Gentleman touched on, is the air ambulance, and it is quite a good parallel with the BASICS service. Until last year, the only local air ambulance service was the one in Thames valley, which I do not think has ever received a penny of public money. We now have our own in Hampshire—the Hampshire and Isle of Wight air ambulance—which, again, I think receives no public money at all. One could say that that is slightly odd. The police have helicopters. No one has ever argued that the police should have a whip-round for police helicopters. They are an integral part of the police service, but specialist trauma response is another emergency service and, for some reason, its helicopters have to be funded in a totally different way. It is not immediately clear why that should be so.

Then we have BASICS, the service to which the hon. Gentleman referred. One could argue that the case for absorption of that service is stronger. With hospices and helicopters, there is something visible for which people can raise money, but for this service, there is nothing visible at all. It is an unseen part of the service. Therefore, one could argue that the case for total absorption and integration is stronger. It is very difficult to say that it is an acceptable risk for patients to rely on off-duty volunteers, possibly to save their lives.

Mr. Oaten: I am sorry to intervene so soon. I am grateful to the right hon. Gentleman for his speech on this issue. He reminds me about the ridiculous situation in which some consultants are on duty, operating and working in the accident and emergency department, waiting for emergencies to come in, and their pager goes off, asking them suddenly to switch to become a volunteer and go out. They cannot do so, because they are working in the hospital, and they have to wait for the patient to come in, knowing that if they had been able to go out as a volunteer, they perhaps could have helped to save a life. What better example is there of the fact that the service should be integrated?

Sir George Young: There probably is no better example, and the hon. Gentleman makes the point very well.

Last year, the Hampshire service received the Queen's award for voluntary service. I commend it for that. The hon. Gentleman referred to the National Confidential Enquiry into Patient Outcome and Death, which highlighted the inadequacy of out-of-hospital care. It said:

"The current structure of pre-hospital management is insufficient to meet the needs of the severely injured patient."

I agree. It seems to me that the objective should be to integrate the service that the hon. Gentleman has described into a properly funded pre-hospital service, with doctors and paramedics working together as a team.

The debate calls for a ministerial response, and I am delighted to see the Minister in his place. He can say one of a number of things. First, he could say, "These are wonderful people. I applaud what they do, and I would like to provide this life-saving service as part of the mainstream NHS, but the resources are not there, so we will carry on as we are." Or he could say, "The case has been made. We recognise that, in most other countries, this service is an integral part of a national health service. We accept the case. We will make this a priority, and either move ahead with earmarked additional resources or ask people to do it within existing budgets." Or I suppose that he could say that he wants to reach the same destination by another route; he wants progressively to upskill the paramedics, reduce the call-out times, put better equipment in ambulances and implement similar solutions. I am not sure whether that would achieve the same objective. The paramedics are fine. For the average call-out, they have the necessary skills, but as the hon. Gentleman said, they simply are not trained to the level of doctors.

The Minister might like to respond to this point. The new GP contract contains a provision for a national enhanced service for immediate care, but as I understand it, almost no primary care trusts have commissioned one, so there is a provision, but it is not being activated. This is what we need to know from the Minister. What is the philosophy? What is the policy? Should the service be a mainstream part of the NHS? If so, how will we get there, and as the hon. Member for Winchester said, who will pay for it?

I have a final point about the landing site in our area. The paradox at the moment is that, when someone called out under BASICS gets to the scene, there is almost always an ambulance there as well. If an air ambulance is summoned and takes the patient to Southampton, they then have to go by ambulance to the hospital, as the hon. Gentleman explained. The same ambulance that attended the initial incident then goes to the helipad, so there is no gain in time at all from using the helicopter. Given that paradoxical situation, there is an urgent need to make some progress with a more accessible helipad for patients who are taken to Southampton hospital. I am sure that the Minister will respond as sympathetically as he can, and I commend the hon. Member for Winchester again for raising the profile of this important but neglected subject.

9.59 am

Bob Spink (Castle Point) (UKIP): First, I must declare an interest: my son is a consultant neurosurgeon.

I congratulate the hon. Member for Winchester (Mr. Oaten) on securing a debate on this important issue. He raised some interesting points. We are fortunate today to have an excellent Front-Bench team, and I am delighted to see the Minister in his place, as I know him to be a caring man. The Government have invested much more in health over the past decade, and I congratulate them on that. However, our constituents do not see a proportionate improvement in health outcomes. We are debating an area in which a little extra spending might give results that people would welcome; I ask the Minister to consider that point.

The hon. Member for Winchester mentioned the different approaches taken by various countries, and we clearly need to review the way in which we provide immediate, on-the-spot care for trauma patients. The hon. Gentleman focused on the first few moments of care. I want to extend that to the first few hours. He mentioned the importance of breathing, clearing airways and similar issues, but I want to focus on head injuries.

Research and experience indicate that there should be no more than four hours between injury and operation if there are expanding mass lesions, such as extradural or acute subdural haematomas. Only 20 per cent. of

patients with severe head injuries are treated within those four hours. The problem is not the one hour leading to the CT scan. That is usually met; the response is pretty good. The problem is largely with the inter-hospital transfer—from the hospital that first receives the patient to the specialist hospital capable of dealing with severe head injuries. That is where the problem lies.

The ambulance service and the hospital management team probably consider that, because the patient is already in hospital and in a secure and safe environment, the need to move the patient to another specialist hospital within the four hours is not so important—the priority is lost or diminished. That perception is one reason why the four-hour limit is not met in 80 per cent. of cases. That should be a top priority. If that limit can be met, the outcome for the patient is so much better. However, when it is not met, the outcome becomes worse as time goes by. Many patients die who could otherwise have been saved; and others suffer severe and permanent disabilities who otherwise would not suffer them. Although it is important to treat a collapsed lung, once the patient is in hospital it will not kill them. However, a head injury can kill or cause permanent damage. We need to focus on that specific but small issue. I am sure that the Minister is listening carefully.

A good development that the Government are pursuing is the specialist trauma centre. Patients suffering multiple traumas are taken there in the first instance rather than to a general hospital. That is extremely helpful, because it does away with the inter-hospital transfer. The four-hour limit is more likely be met, and the outcome for patients with severe head injuries and other traumas will therefore be much better. I welcome and support the Government's move on specialist trauma centres.

The hon. Member for Winchester spoke of funding, and I shall follow him. One reason why the UK Independence party wants to repatriate the £15 billion cost of our membership of the EU is to invest more in specialist services, such as immediate trauma care and health care generally. That is another sound UKIP policy.

10.4 am

Sandra Gidley (Romsey) (LD): I congratulate my hon. Friend the Member for Winchester (Mr. Oaten) on securing this debate. I have been trying to secure a debate on the subject.

My hon. Friend mentioned Dr. Phil Hyde. Dr. Hyde has also spoken to me. He is clearly passionate about the subject, and there is a real issue over patient safety. I was taken aback and horrified by what I heard in my conversation with him. Before that meeting, despite shadowing ambulance teams on a number of occasions, I had no inkling that, if I were to be seriously injured in a road traffic accident, my prognosis would be severely affected by whether a voluntary doctor happened to be available. That is scandalous.

The 2007 report by the National Confidential Enquiry into Patient Outcome and Death entitled "Trauma: Who Cares?" has been mentioned. It concluded that the current structure of pre-hospital management is insufficient to meet the needs of the severely injured patient. It said that there is currently a high incidence of failed intubation and of people arriving at hospital with a partially or completely obstructed airway. It went on to say:

"Change is urgently required to provide a system that reliably provides a clear airway with good oxygenation and control of ventilation. This may be through the provision of personnel with the ability to provide anaesthesia and intubation in the prehospital phase or the use of alternative airway devices."

That was highlighted as something that needed to be addressed by ambulance trusts, but it is clearly not happening.

Research shows that patients who die from severe injuries often do so within the first hour after the accident. In the United Kingdom, that hour has usually passed by the time the patient reaches hospital. However, sending a BASICS doctor to the scene of an accident is the nearest one can get to sending the hospital to the patient. BASICS doctors will often perform a specialist procedure, known as rapid sequence intubation, to help to stabilise the patient. Once the patient is stabilised, the doctor will be able to judge which is the best hospital for the patient.

The hon. Member for Castle Point (Bob Spink) mentioned the specialist trauma centres that are being introduced and said that the outcome for patients will be much improved if they can be stabilised and taken to an appropriate specialist unit. If there is no doctor on the scene, such patients suffer a double whammy. They will not have been stabilised at the scene, so it is often decided to take them to hospital quickly, but the nearest hospital may not be the most appropriate. We all know that some hospitals excel at certain aspects and some at others. Many patients are therefore not given the greatest chance of recovery.

As someone who has probably overdosed on episodes of "Casualty", I was surprised to learn that accident and emergency consultants are not generally in the business of donning hard hats and bright protective clothing and going to the scene of accidents. I asked, "Isn't that what happens?" I was told that they could not leave the casualty department, although some are BASICS doctors in their spare time. Not everyone who works in the casualty department is suited to working on the road.

In the casualty department, there is plenty of light, the equipment is where it is needed and there is space to operate on the patient. At the scene of a car crash, one has to work with the noise of the machinery and the fire engines in a confined space; it is a completely different environment. I understand that not everyone can operate easily under those conditions. Those who do so are a special breed.

Most of the doctors who provide the BASICS service are fully employed in the NHS—sometimes in A and E, as I said, but often in other disciplines, such as intensive care or surgery. BASICS doctors are particularly valuable in providing complex airway management procedures and stabilising patients in a critical condition.

BASICS doctors work closely with the ambulance service when a multi-agency response is required locally or when additional skills and qualifications are needed. They are usually called when a paramedic decides that he or she does not have the training to deal with an incident. The paramedic who arrives at the scene will often call the BASICS doctor, although in the case of a fatal crash, the control centre will sometimes call them out.

[Sandra Gidley]

An industrial accident involving a worker who has become trapped in machinery is a good example of what happens. The ambulance service would work alongside the fire service to co-ordinate the rescue. BASICS could supplement the skill set available at the scene by providing a medical doctor with the necessary extra skills. If necessary, the doctor may use a surgical procedure to extricate the patient, although that is obviously a last resort.

I know Hampshire best, and it is where I have the best figures from, so I will use it as an example. As the right hon. Member for North-West Hampshire (Sir George Young) said, the county has 19 volunteer doctors and one consultant nurse for a population of more than 1 million. Those BASICS staff work on their own time and carry a pager that is activated by the ambulance control in Winchester. Once paged, they must travel to the scene of the accident in their own cars, using blue lights and sirens. BASICS staff must provide not only their own transport, but all their own equipment. It can cost up to £25,000 fully to equip one of those doctors. Frequently, some of the money comes from the doctors' own pockets, although staff do not really have much time for fundraising between doing their day job in the NHS and volunteering in their spare time.

Let me give a few statistics. In Hampshire, BASICS doctors are usually called out between two and eight times a day. There were about 1,200 calls last year, and BASICS doctors managed to attend 750 of them. We can only hazard a guess about what difference they might have made in the 450 cases in which no such response was possible.

Perhaps I can give a snapshot of what the BASICS staff do. In January, they responded to 58 calls, although I do not know how many they were unable to respond to. Two thirds of the calls that they responded to involved motor vehicle collisions. The others involved falls, burns and machinery accidents. In 16 cases, the doctor was required to give anaesthetic drugs. In 10 cases, they provided advanced wound management and life-saving minor surgery, as well as injecting drugs into the aorta. I mentioned the importance of admitting patients to the most appropriate hospital, and 26 of the 58 patients had their destination altered, because of the knowledge and expertise of the BASICS doctors.

Things vary throughout the country. In Sunderland, which has one of the best survival rates, the death rate for people coming into the unit is 2.9 per cent.—half the national average. Bosses from City Hospitals Sunderland NHS Foundation Trust say that that is due to high investment in staff and facilities. Interestingly, the trust has also introduced a new trauma response team, and the figures speak for themselves.

It might also be worth mentioning London, which seems to have more advanced provision than many areas of the country. Specialist trauma teams are funded by, and travel with, the London air ambulance service. As my hon. Friend the Member for Winchester said, however, the air ambulance stops flying at night for some reason, and some of the provision then becomes voluntary. I am told that there are also only 15 BASICS doctors in London, covering a population of 8 million people. The moral of the story appears to be that, if someone is going to be involved in a serious accident, they should make sure that it happens in London during the day, so that they have the best chance of receiving specialist care.

Clearly, there are many political priorities, and I can understand why there is not a huge patient lobby banging on the door to raise this issue. The Government could therefore quietly ignore the problem or dismiss it with the old chestnut that, "This is nothing to do with us. We're trying to get these decisions taken locally." However, we need to take a more strategic approach to determining which specialist services are provided and where. People do not have accidents along primary care trust boundaries, and the issue is a real example of a postcode lottery—I hate using that term, but I have never seen a better example of one.

The fact remains that investment in this volunteer service can save money in the long term, because patients will have better outcomes and be less likely to need intensive post-trauma support packages or access to other benefits. The Government presumably have an interest in keeping their citizens safe and well.

I want now to summarise the national inquiry. The inquiry noted that the standard of care received by 60 per cent. of patients was less than what was judged to be good practice, and deficiencies were identified in organisational and clinical aspects of care. Difficulties were highlighted in identifying patients with an injury severity score of more than 16. Again, if such things are done properly, it will optimise the use of precious resources. Problems were identified not only with immediate pre-hospital care, but with trauma team responses generally and with the seniority of the staff involved once someone actually got into hospital. People were frequently not seen by a consultant within the first 12 hours, even though they were probably among the most injured patients in the country. Problems were also identified with immediate in-hospital care and the provision of suitably qualified staff at all times of day and night.

The report made a number of recommendations. It identified the need for designated trauma centres, and I acknowledge that we have had some movement on that. It also asked for a verification process to be developed to guarantee the quality of care. The report referred to the pre-hospital management of airways, which I have mentioned. It stated that a trauma team should be available 24 hours a day, seven days a week. It also noted that a consultant should be the team leader for the management of severely injured patients. The report also made recommendations about the nature of CT scanning once people were in hospital.

As has been highlighted, this is not a new problem. One of the most depressing things that I read was that the Royal College of Surgeons had looked at this issue in 1988 and 2006 and said that there had been no progress. It noted:

"most of the improvement in the outcome of these patients occurred prior to 1995, with no further significant change occurring between 1994 and 2000."

That is quite a damning indictment of what we are doing—or not doing.

Also pertinent to the debate is the NHS emergency planning guidance, which contains principles for effective emergency health planning. The chief executive of each NHS organisation is responsible for ensuring that it has a major incident plan in place. Given what we have

heard about trauma response, it is somewhat ironic that that major incident response could apparently also hinge on the availability of volunteer doctors.

The situation that I have outlined is not sustainable in the long term. I hope that the Minister is sufficiently persuaded by what he has heard today to commit to improving services. Put simply, if any of us or our constituents ever need trauma care, we surely deserve the best.

10.19 am

Mike Penning (Hemel Hempstead) (Con): Let me declare an interest at the outset as a trustee of the new Essex and Herts Air Ambulance Trust and a patron of St. Francis hospice in my constituency. I will say a little about hospices later.

I congratulate the hon. Member for Winchester (Mr. Oaten) on his passionate and articulate speech on this important subject. He raised so many issues in his short contribution that it will be difficult to address them all, but I hope that the Minister will deal with many of them and perhaps some of those raised by other hon. Members.

My right hon. Friend the Member for North-West Hampshire (Sir George Young) spoke about the hospice movement. There is an obvious link between that movement and the sort of voluntary medical care that we have been describing. My right hon. Friend alluded to the fact that the hospice movement is being drawn closer to the NHS, because of their funding streams; but one of the biggest concerns of my local hospice is that the tail is starting to wag the dog. The NHS is starting to fund it and tell it how to provide care, which is completely against the way that the hospice movement was set up. That relates to some of my concerns about the topic that we are debating.

I, like many other hon. Members, have been contacted by Dr. Phil Hyde of BASICS. I am due to meet him in the next few weeks. I have also been contacted by other groups, such as the Sussex and Surrey immediate medical care scheme, and by Dr. Alan Jones at Mid-Anglia General Practitioner Accident Service—another excellent voluntary organisation. One of the most telling things that the hon. Member for Winchester mentioned was the figure of 750 responses to 1,200 requests. That is a fantastic response for a voluntary organisation; but as a former member of the emergency services who has attended road traffic accidents while we waited for response units, I know that it is a frightening experience for the patient and the other emergency services when they do not know who is coming and whether there will be a response. As the hon. Member for Romsey (Sandra Gidley) said, that is not new.

I have been out of the fire service for some 17 years, but in the 11 years that I was in it, I never once trained alongside an ambulance paramedic crew. We do not train together. What goes on out there is frightening. When people arrive at an incident, the training clicks in, but very often it is individual training. I was out recently with a crew from the London ambulance service, and I asked them when they last trained with other emergency services—the police or particularly the fire brigade, with whom they would go to RTAs. The gentleman I spoke to had served 20 years, and he had not trained in that way. I asked my own local fire crew, green watch at Hemel fire station, which is a joint station with the ambulance trust, "When was the last time you trained with ambulance paramedics?" and was told, "We don't sir; we ask but it does not happen." The pressure of time, particularly on the ambulance service and paramedics, is crucial.

An aspect that we need to examine, which has been alluded to in the debate, is best practice, if that is what we want to call it, and the lack of a defined system throughout the country. I, like the hon. Member for Romsey, do not like using the term "postcode lottery" for the pot luck situation in which where people live affects the emergency services that they may need to use, but I do not know a better way to describe it. People in one PCT are likely to get better care than people in others. I, too, have been to Sunderland and Newcastle, where they have a wonderful system, but I have also been to other parts of the country where things are much more difficult.

It is best to listen to the experts as well as to politicians. A recent report by the Royal College of Surgeons shows that a third of all deaths from trauma are avoidable. That is in the 21st century NHS, with £110 billion going into it, and the vast majority of those cases involve people under the age of 44. The largest cause of death of people under 44 in this country is trauma—road traffic accidents. Our lifestyles mean that those incidents will occur. So, surely, we should have a level playing field across the country for the care and expertise to be provided by the emergency services when they arrive.

I have also read reports that say that consultants are needed to lead trauma teams at as many incidents as possible. The problem is that, as many hon. Members know, we have a shortage of consultants, particularly accident and emergency consultants, and as those pressures mount, it is very difficult for any PCT or acute trust to decide to take a consultant out of A and E and send them to an incident. I should very much like to discuss during this debate how we could increase paramedics' skills. I fully admit that in the past decade the skills of our paramedics, who serve us wonderfully well, have hugely increased.

I was a paramedic in Her Majesty's armed forces many years ago. A paramedic means something completely different in the armed forces. I left the Army in 1982, with three years' training as a paramedic for use on the streets of Northern Ireland, where we dealt with huge problems, with airways in particular. We were trained in tracheotomy. The most basic Army paramedic had done a tracheotomy course before being deployed with troops. When I left the armed forces and joined the Essex county fire and rescue service, I was asked to take a first aid course: I had three years' paramedic training. I would love to say that things have changed and that we have better paramedical or even first aid skills in our emergency, particularly fire, services. In some parts of the country that is true but mostly it is not.

Will the Minister think about the skills base of our armed forces? We learned this weekend that three of our brave Paras from the 2nd Battalion the Parachute Regiment, had died on active service in Afghanistan. However, many members of our armed forces who are injured on active service survive injuries that they would not have survived 10 or 20 years ago. Is it a consultant from accident and emergency who attends them in the field when they have been blown to smithereens or a

[Mike Penning]

consultant A and E surgeon who treats them when they have been shot while in the field? No. It is a paramedic: highly skilled paramedics who understand and can do the work there and then, at the incident, to keep someone alive long enough to enable the experts to get hold of them.

We have made enormous progress with the skills of paramedics and with air ambulances throughout the country, but that is sporadic, with respect to skills and qualifications. That is something that we can consider, because we need to think carefully about how money is spent in the NHS. As well as using the extra skills of the volunteers who have been mentioned—many of whom tell me, interestingly, that they have retired from the NHS and keep their hand in by using such skills—I should like to examine the skills base of our paramedics.

We have heard about the ambulance service this morning. It was a great honour for me to be asked to be a trustee of the new Herts air ambulance service—a completely charitable organisation, which was set up because Essex air ambulance was covering Hertfordshire as a charitable organisation. That is fundamentally wrong: the Essex air ambulance was in Hertfordshire, and was not giving cover to the people who had raised funds for it, so we worked together on the situation.

Alongside my hon. Friend the Member for Welwyn Hatfield (Grant Shapps), I sat in on some of the meetings with the PCT, ambulance trust and other bodies, and I could not believe how difficult it was to agree what sort of ambulance we should have. Should it have a paramedic on board, and who would pay for that? Should it have a consultant? Should it have a trauma team? Should it be just a lift helicopter, which goes straight to the incident and, once the patient has been stabilised, is up and away to the nearest major trauma unit?

I praise the Government for initiating major trauma units. The Minister knows that I am concerned about accident and emergency and acute services being penalised, because of money going elsewhere. A and E departments are closing, not least in my constituency. However, I could not believe the lack of willingness at the meetings that I attended to say, "This is a voluntary organisation, raising money to help local people, so let us sit down and help them, rather than come up with lots of reasons why what they propose should not happen." I understand from other air ambulance trusts around the country that that is not new. The availability of ambulances is a completely ad hoc situation.

I was astonished by what the hon. Member for Winchester said about helipads. We had a short conversation about it before we came into the Chamber. To use another military example, it is possible to put a helipad down nigh on anywhere in an emergency, if necessary. Two people—one person—can lay a helipad and make sure that the windsock goes up, the helipad markers are down and there is a certain amount of space.

Frankly, it is ridiculous in the 21st century that someone who is so seriously injured that they need to be casevac'd by helicopter should be put back in an ambulance to be driven to the A and E department. I hope that the Minister will look into that and give assurances to the Chamber that, if it is taking place, it will be stopped. It cannot be what our constituents deserve. We must consider how our communities can work together better for our constituents—whether the voluntary sector, PCTs, which in some areas are under extreme financial pressure, or acute trusts, which are also under pressure financially and because they are trying to centralise services. With something so serious, Ministers must get away from saying, here in London, "This is nothing to do with us. It is a matter for PCTs and localisation."

The other day, I asked a very simple parliamentary question about which services should be available at a hospital advertising an A and E department—not a minor injury unit, a surgery centre or a polyclinic. Driving around my town, like most of my constituents, one will see signs for the hospital with "A&E" written underneath. In response, I was told that it is matter for local PCTs. That should not be the case for a question as acute as which hospital someone is taken to when critically ill. There must be a set plan for what is available throughout the country when dealing with major trauma. In my case, I took my daughter to the A and E department at my local hospital, only to be told that it could not take her, because it does not do paediatrics and has no children's facilities. Naturally, because she was very ill, it said that it would look after her as best it could and then move her to the Watford hospital.

The least that our constituents deserve is for the Government to set out centrally a basic template of what services should be available throughout England and Wales—I realise that such responsibility is devolved in Scotland—so that all of us, no matter where we live in the country, get the best possible provision that the NHS can provide.

10.33 am

The Minister of State, Department of Health (Mr. Ben Bradshaw): I congratulate the hon. Member for Winchester (Mr. Oaten) on raising the important question of how the NHS deals with trauma, which is an issue of interest to many hon. Members. I also welcome the valuable work of all those who work within the British Association for Immediate Care, to whom I am sure that all hon. Members present are deeply grateful. I am also sure that all hon. Members share my desire to see NHS services deal effectively with severely injured patients, and to give them the support and treatment that they need. I agree that trauma care is a serious issue on which the NHS has not performed as well as it might have done in the past.

The issue is about not only how best the NHS can deal with seriously injured patients, but who is best placed to make detailed decisions on staffing and the organisation of services. These debates often tease out the tension between the desire to devolve more powers and decision making to local and regional levels, which all political parties represented here are signed up to, and the need to explore whether there should be a stronger national framework—again, that has been well illustrated in this debate.

The Government believe that, as the hon. Member for Hemel Hempstead (Mike Penning) just suggested, we should give strategic direction—a national framework, if hon. Members like—to public services. However, in the end, it is for local and regional health bodies to determine the best organisational arrangements to ensure that the right people are in the right place at the right time to look after patients appropriately.

Mike Penning: I agree that the basic infrastructure for deciding where people should be taken must be a matter for local authorities. However, the question of what type of care is available must be for central Government diktat, otherwise we will continue the postcode lottery that affects the NHS today.

Mr. Bradshaw: The idea that the decision on what is available, and where, should be for central Government diktat is very interesting coming from the hon. Gentleman, and I might bring it up in future debates, if he is suggesting that we are being too dirigiste. However, I shall elaborate on my arguments in a moment.

The hon. Member for Winchester has rightly pointed to last year's report on trauma care from the National Confidential Enquiry into Patient Outcome and Death, which stated that every year between 3,000 and 4,000 severely injured people are admitted to hospital in the UK, so the majority of hospitals see fewer than one severely injured patient per week. The report found that hospitals that saw more patients had better outcomes, as they were more used to dealing with challenging cases. The NCEPOD report recommended the establishment of regional, specialist units and the development of protocols to ensure, for example, that ambulances take patients to the most suitable centre, bypassing others that are nearer, where it makes clinical sense. It also made recommendations on the care that should be available to patients before arrival at hospital. When it was published, the Government welcomed that report, and we will take forward its recommendations.

The NHS is already improving services provided by ambulance staff at the scene of such incidents and accidents. As the hon. Member for Hemel Hempstead has rightly pointed out, there is an interesting contrast between the improved performance of the military medical services, in the field abroad, where we have seen dramatic improvements in survival and recovery rates among armed service personnel after severe injury, which has not been replicated in civilian trauma treatment. We are very keen to learn the lessons from that. He was also absolutely right to stress the important role of paramedics, who, I am informed, already do a lot of work in unblocking windpipes, for example, which I think that he acknowledged. There could be an issue about the delivery of anaesthetics, which might require doctors being called in from elsewhere. However, we are certainly keen to learn as much as we can from the experience of the armed services, and I have already asked my officials to look into that.

Mike Penning: I am sure that the Minister realises that many of those skilled military medics are actually NHS employees and members of the Territorial Army, who do a fantastic job for our armed forces when they deploy with their TA units.

Mr. Bradshaw: Absolutely. However, it is also important, when we talk about the respective experiences of the armed forces and the civilian health service—this touches on a point that the hon. Gentleman has raised about rules and regulations for the use of helicopters—to acknowledge that different health and safety parameters can apply to armed forces and civilian services.

Mr. Oaten: The Army point is interesting. I am not an expert, but my understanding is that NHS consultants who work in accident and emergency departments often work in Afghanistan or Iraq. Perhaps one of the reasons for the improvements relates to the lesson about BASICS. It may be not the trained paramedics, but the consultants working in the field who are making the difference.

Mr. Bradshaw: We are drifting away from the subject of the debate into another important area. We are acutely aware of the benefits of the cross-fertilisation of experience between the NHS and the military health services. In fact, the Government recently published a paper asking all trusts to encourage their staff to join the TA and to gain experience in the field. The hon. Gentleman is right—the more experience that staff can gain, the better.

The other very important development under way is the next-stage review, under the auspices of my noble Friend, Lord Darzi, who published his report on the future of health services in London about a year ago. I am sure that hon. Members who are acquainted with that report will acknowledge that it recommended the acceleration of improvements for a range of care, including trauma care. The Government support that proposal and expect the London PCTs to agree their forward programme on it tomorrow.

As part of Lord Darzi's national, next-stage review, we have been holding working groups of local clinicians and others in all England's other strategic health authorities to consider clinical evidence across all areas of health care, including trauma. Those groups have identified what they believe to be the best models of trauma care for patients. Each SHA has now published its vision for the future of health care in its region, based on the recommendations of those working groups. Those visions include improvements to services for seriously injured patients, for example, through the development of specialised centres for the treatment of major trauma to improve outcomes for patients and save lives.

I was interested to read the response, which inspired this debate, from BASICS to last year's NCEPOD report. It states:

> "The public, patients, politicians, managers and the professions need to understand that better outcomes in major trauma are more likely in units staffed by personnel undertaking sufficient throughput and with all relevant specialties to hand. Of necessity this mandates greater regionalisation of services and patients travelling that little bit further to hospital."

I suggest that that presents a challenge to all politicians who regularly come under pressure from political campaigns to fight to preserve every service that is provided in every local general hospital. It is quite clear from the evidence, which has been widely acknowledged in the debate, that a move to more regional trauma centres will save lives. I hope that when we have such controversies in future, the hon. Members who have spoken today will support their local and regional health bodies and the Government, when we make such a case.

Mr. Oaten: I am happy to set an example and say that I am comfortable with making the case to my constituents in Winchester that some things should happen not at Winchester hospital but in Southampton. If I had an accident, I would much rather go to Southampton. Surely the point is that if I am going to a specialist centre, I want to get there quickly. I am all for specialist centres, but only if people can get there quickly.

Mr. Bradshaw: I hope that hon. Members who are facing re-election at the next election are prepared to display similar courage when it comes to the reorganisation of health services in their local area. *[Interruption.]*

Dr. McCrea (in the Chair): Order. I would appreciate it if whoever is responsible would stop their mobile phone ringing.

Mr. Bradshaw: I want to update the hon. Member for Winchester and other hon. Members present, most of whom represent constituencies in the South Central strategic health authority area, about the most recent developments there. The SHA informs me that trauma cases in its area are handled by nine acute trusts that have a major A and E department and are classified as receiving hospitals in the event of a major incident. Casualties are triaged and assessed on the scene before being taken to the most appropriate hospital to treat their injuries according to the clinical judgment of paramedics and, if needed, BASICS doctors. They are taken either by ambulance or by air ambulance. If required, BASICS volunteers are activated by the ambulance service for the treatment of casualties on scene, and acute trusts have the ability to activate their own doctors and nurses to form a mobile medical team to assist with the provision of pre-hospital care.

I turn to the hon. Gentleman's point, which has been repeated in the media, about a consultant in A and E who was a volunteer being told that they could not go to the scene of an incident. I do not know whether that example is hypothetical or real, but it has been raised before. The national clinical director for emergency access, Sir George Alberti, of whom many hon. Members may have heard, is looking into whether there may be merit in the Department's appointing a specialist trauma tsar to help to drive the national network. The danger is that if we appoint too many tsars, we will reduce their value.

Sir George was asked about that particular case recently on Radio 4. He said that that would not be acceptable, and that clinical priorities should always come first. He said that if someone was making an allegation based on a real example, they should provide him with details and he would look into it, but he has not heard anything more. If the hon. Gentleman would like to, he can furnish either me or Sir George with such an example. We have made it quite clear, as should hospitals, that if there is a clinical need for somebody to go out to the scene of an accident, that should happen—South Central SHA has told me that. Such a person should not be held back in A and E because they are on duty there or because of the desire to hit a target. I wished to put that on record for the hon. Gentleman.

The hon. Gentleman asked whether I have received a request to meet NCEPOD. I have not received such a request, but I have asked to meet NCEPOD about a different matter that came up in the past two weeks, so I am sure that we shall take the opportunity of discussing this matter. As he has acknowledged, NCEPOD has regular meetings with my officials, and its input has been important in helping us to draw up the proposals that we shall publish shortly when Ara Darzi publishes his full next-stage review.

South Central SHA informs me that it is working with the South Central ambulance service to improve the current arrangements for pre-hospital medical teams, by implementing processes to activate mobile emergency response incident teams. That will improve the performance of the trauma system, based on previous major incidents in its region and nationally. It has made it clear in its next-stage review vision document that it wants to improve care for trauma patients. The document states:

"Emergency and urgent care will be provided through a network of A&E departments"

including

"specialist emergency centres for stroke, heart attacks and trauma."

On major trauma specifically, its acute care clinical pathway group report recommends that major trauma networks be established, with dedicated major trauma centres and bypass protocols for ambulance services.

That brings me to the issue of the hon. Gentleman's helipad—well, not his helipad but the one in Southampton. Forgive me, but I am not completely au fait with the likely configuration of any major trauma centre in his region. I suspect that one or two hospitals—or maybe more—are competing for that status. Clearly, his point about access to air ambulances is important, even if it is not necessarily a showstopper. I shall say a little more about air ambulances in a moment.

The hon. Gentleman has said that the chief executive of his local hospital has stated that there is a funding problem. However, I have been informed that Southampton University Hospitals NHS Trust is looking at a £17 million-plus surplus this year. The hon. Member for Hemel Hempstead has questioned the projected costs described by the hon. Member for Winchester, which may be worth consideration. If the hon. Member for Winchester is suggesting that the hospital does not have any money, that is just not the case.

Sandra Gidley: We must be careful in talking about a £17 million surplus, because Southampton hospital is also paying off rather a large loan. One should not be mentioned without the context of the other, and that amount of spare money is not floating around the system in Southampton.

Mr. Bradshaw: All that I wanted to do was put on record the fact that Southampton hospital is not in deficit. In fact, it is looking forward to what sounds to me like a healthy surplus this year, and how it decides to spend its surplus is entirely its decision.

I wish to say a little about the funding of air ambulances. We had a lengthy debate on the matter in this Chamber back in February, I think, and I do not intend to cover the same ground in great detail—hon. Members who were not present may like to study the *Hansard* of the debate. In the past, we have undertaken independent research on the cost-benefit of giving more state funding to air ambulances. Before 2002, there was no statutory requirement on, or guidance about, state funding for air ambulances, all of which were wholly funded by voluntary contributions. That has changed, and since 2002 we have issued guidance that the medical staff provided on air ambulances should generally be funded from public money, and that they need to work closely with their local ambulance trusts. My latest information is that that happens in almost all parts of the country, if not all.

There is another point that we might want to discuss outside the debate or in correspondence. I notice from the correspondence that I have received, from parliamentary questions tabled by the hon. Members for Winchester and for Romsey (Sandra Gidley) and from an early day motion tabled by the hon. Member for Winchester, that there is some confusion about a difference between London and the rest of the country, and I shall try to get more details about exactly what that difference might be. The hon. Gentleman has suggested that there is statutory funding in London for the air ambulance, in the way that I have just described, but that is so in most other parts of the country as well, thanks to the change in the policy that we introduced in 2002.

In February's debate, I made the point that we constantly review the policy. I mentioned that one of the problems in justifying full public funding for air ambulances is that they do not all have a good record at targeting the right sort of cases. I also said that moving to greater regionalisation of trauma care, with fewer major trauma centres, might tip the balance of cost-benefit in favour of more statutory funding for air ambulances. In that debate, I promised to keep this matter under review. I repeat that undertaking today.

I have forgotten for the moment the other issue that I wanted to mention, so I invite hon. Members to intervene.

Sir George Young: Just to clarify the Government's position, is the Minister saying that it is not acceptable that critical pre-hospital care should be dependent on volunteers?

Mr. Bradshaw: Critical pre-hospital care is not dependent on volunteers, because any ambulance service or acute service will have a range of reactions to a major incident in its area. I have already described the response provided by the ambulance service, which involves having ever-greater skills on board to provide some of the care. Where necessary, teams of doctors will and should be called out to attend an incident to provide such care.

I have also acknowledged that we still have some way to go in providing optimal care, that, generally, the treatment of major trauma has not advanced as quickly as advances in many other forms of care and that we have not performed as well as some other countries. This is partly to do with the different systems in other countries. The hon. Member for Winchester has made comparisons with Germany and the United States, which have different health structures, more specialist centres, different systems and approaches and far higher funding per head of population on health care than in this country.

Mike Penning: The Minister is being generous in giving way. Can I clarify what he said a few moments ago? Should medical staff on an air ambulance be funded by the PCT or the trust under the NHS? Are the pilot and navigator, or whatever, the charity's responsibility, and should the personnel dealing with the medical skills side be funded by the NHS?

Mr. Bradshaw: I cannot remember whether the hon. Member for Hemel Hempstead attended the February debate—perhaps one of his colleagues was here. This is not a requirement, and we published guidance on the point in 2002. Our information is that in the majority of cases those medical costs are met from statutory funding, which was previously not the case.

I should like to add one more thing about the role of ambulance trusts and their relationship with BASICS. We looked at that matter in a little bit of detail once we knew that this debate had been scheduled. We understand, having spoken to ambulance trusts, that they have clear systems that allow them and their control staff to call on the expertise of BASICS doctors when an incident demands it. As I have said, I hope that the work that is emerging from all the strategic health authorities in the context of Ara Darzi's visions will help us to improve the way in which we deal with trauma and all the health care pathways that hon. Members care about.

Mr. Oaten: I am grateful to the Minister for giving way. I hear what he has said on the evidence in respect of how things are working. However, what about this statistic? There were 1,200 requests for individuals to come out, but not all those requests were met. The evidence shows that individuals were not able to go out on 450 occasions last year. Surely, the Minister acknowledges that there is a gap and that something is wrong.

Mr. Bradshaw: I will study those figures, which I have not seen and do not recognise. I have already acknowledged that we can do more to improve the service provided to people who are involved in trauma before they are admitted to hospital. I promise to write to the hon. Gentleman in response to the particular figures that he has mentioned, but I hope that he acknowledges that, given what I have said, the Government are determined to improve the quality of care for severely injured patients.

I welcome the consensus in this debate that the most effective way to provide the service is through good regional planning and by regional managers and hospital managers working closely with expert clinicians and the local population. I look forward to the recommendations from my noble Friend Lord Darzi's review and to their successful delivery across the country.

Lance Corporal Compton (Compensation)

10.56 am

Hugh Robertson (Faversham and Mid-Kent) (Con): I welcome you to the Chair, Dr. McCrea. I also welcome the Minister, who is slowly and surely taking his place, and thank him for taking the time to respond to this debate.

I intend to conduct this debate in five sections. First, I shall make some introductory remarks about my interest in the case. Secondly, I shall be clear about what we want to achieve this morning. Thirdly, I will sketch out the background to the issue. Fourthly, I will run through the key points that need addressing. Fifthly, I shall wrap up with some concluding remarks.

I have two interests in this case—a constituency interest and a regimental interest. The constituency interest is that Lance Corporal Compton lives just—but only just—outside my Faversham and Mid-Kent constituency, in Staplehurst. His Member of Parliament, my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) is, incidentally, fully briefed on this case and is fully supportive. Therefore Lance Corporal Compton and I have the county of Kent in common.

The second connection, which is probably more obvious, is regimental, because we both served in the Life Guards. I served in that regiment from 1982 to 1995, and although three of those years were spent at university, I saw active service in Northern Ireland, with the UN in Bosnia and as adjutant of the regiment during the Gulf war. None of that, it is fair to say, bears comparison with the Army of today, particularly given the intensity of the low-level, hand-to-hand fighting seen in Afghanistan. In a week in which the death toll has reached 100, it is hardly surprising that there have been a considerable number of horrific injuries, such as the one that we are debating today.

I should like, in passing, to pay tribute to the Household Cavalry, which has supported Lance Corporal Compton right through his recovery and will, no doubt, continue to support him in the years ahead. I also pay tribute to Alistair Galloway, a young officer who served with the regiment and who, despite leaving the Army, has continued to help and advise Lance Corporal Compton.

What do I hope to achieve with this morning's debate? The answer is simple. For reasons that I will outline, an offer of only 57 per cent. of the maximum compensation payable is inadequate recompense for injuries including third degree burns to 70 per cent. of his body, the loss of his ears and nose and complex injuries to his left arm and right leg that will never fully recover. It is inexcusable—I suspect the Minister agrees with me—that Lance Corporal Compton has received no indication whatsoever of the guaranteed income payment, which is effectively his pension, that he will receive for the rest of his life on leaving the Army.

I absolutely do not want to turn this into a party political issue or open up a wider debate about the operation of the armed forces compensation scheme, although that would be a worthwhile outcome. I simply seek to persuade the Minister that he should look again at this case, personally and as quickly as possible, to right what I believe, as a former soldier and current parliamentarian, is a horrible injustice. If the Minister agrees to re-examine this case personally and as quickly as possible, as far as I am concerned that will be a good outcome from this morning's debate.

What is the background to the case? Lance Corporal Compton was injured in southern Afghanistan on 1 August 2006 while serving with D Squadron of the Household Cavalry Regiment in Helmand province. As the driver of a Spartan armoured reconnaissance vehicle, he suffered third degree burns to 70 per cent. of his body and a gunshot wound to his leg during a Taliban ambush on the vehicle. He was the only survivor of the incident, which resulted in the deaths of three of his colleagues from an improvised explosive device, or IED—I suspect, Dr. McCrea, that you will be familiar with such devices from your own constituency—and a direct rocket-propelled grenade attack. He fell from the vehicle while he was on fire and removed his burning body armour and helmet while coming under fire from the Taliban. He then crawled more than 80 m into cover, where he sustained a gunshot wound to his leg. It is a remarkable story. Lance Corporal Compton was rescued by other colleagues and evacuated to Camp Bastion, where he fell into a coma that lasted for three months, during which time he was revived after "dying" on three occasions. He was then flown to the specialist burns unit at Broomfield hospital in Chelmsford, Essex.

As a result of the attack, Lance Corporal Compton has lost both of his ears and his nose, which have been rebuilt. He has undergone multiple operations to repair his face and body, and he is still having rehabilitation treatment at the defence services medical rehabilitation centre at Headley Court in Surrey. That has enabled him to walk again and to regain the use of his arms and legs, but he will require further surgery and care in the future. It is an extraordinary tale that has clearly resulted in horrific and lifelong injuries.

The case presents two key issues. First and most importantly, the lump sum award made to Lance Corporal Compton under the armed forces compensation scheme does not reflect the severity of the 10 injuries that he sustained or account for the continued requirement for medical care that he will have for the rest of his life, his loss of future earnings—he can never be promoted again within the Army—and the momentous impact that his injuries will necessarily have on his quality of life. In my view, he fully deserves the maximum award, which is capped at £285,000.

Secondly, Lance Corporal Compton has still not received an indication of the guaranteed income payment to be paid annually for the rest of his life, which he is likely to receive on medical discharge from the armed forces—I referred to that point earlier. For fairly obvious reasons, it would be of immense benefit to him to calculate his income for the rest of this life, so that he can plan appropriately for the future.

Those are the two key issues, but the case raises a number of other matters, and I would be interested to hear the Minister's comments on them. First, the Veterans Agency appears to have paid out the lowest amount available for each of the specific injuries sustained by Lance Corporal Compton. For example, burns to the face and neck are compensated as a tariff level 7 injury at £34,500. However, if Lance Corporal Compton were

compensated for the loss of his nose and ears—he has clearly lost them—a considerably higher tariff, which runs up to £86,250, would be used. If the Veterans Agency is going to pick and choose between very different tariffs, surely—particularly in cases such as this—it should choose the higher tariff.

Secondly, the revised award to Lance Corporal Compton does not appear to take account of all his various injuries. As a result, injuries to his arms are included in the award, but there is no compensation for the smoke inhalation injuries that he suffered. If the compensation were calculated for all the different injuries that he received—a lawyer has actually done that calculation—Lance Corporal Compton would have come out above the maximum compensation figure.

Thirdly and far more generally, the armed forces compensation scheme is, as the Minister knows, currently undergoing a review. How long will that review take, and will Lance Corporal Compton's compensation be reconsidered as a result? If the scheme is upgraded, I hope that Lance Corporal Compton will be in a position to benefit. Finally, there is the question whether the capped level of £285,000 is appropriate in cases such as this where the injuries are so horrific.

In conclusion, in Lance Corporal Compton we have a wholly extraordinary young man who saw three of his comrades killed and who then crawled 80 yd under fire while still alight. As a result, he sustained horrific injuries, including third degree burns to 70 per cent. of his body, the loss of his ears and nose, and the loss of full use of his arms and legs.

In fairness to the Minister and the Ministry of Defence, I accept that it is difficult to reconcile injuries on that horrific scale with a standard formula. However, there is a clear case for the Minister personally to call for this file and to reconsider the case as quickly as possible, with a view to awarding Lance Corporal Compton maximum compensation. I also hope that the Minister will undertake not only to carry out an independent review of the case but to arrange for Lance Corporal Compton to receive an indication of his likely pension—the guaranteed income payment—as a matter of urgency.

In a week in which the death toll in Afghanistan has reached 100, it is appropriate this morning to pay tribute to all those who have lost their lives or been injured on operations. It is vital that all our servicemen deployed on active service know that they will be properly, and I hope generously, looked after if they suffer injury, particularly injury of this severity. As I am sure the Minister will agree, they deserve no less.

11.6 am

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): I congratulate the hon. Member for Faversham and Mid-Kent (Hugh Robertson) on securing this debate on this very important subject. He rightly raises a number of issues relating to this case that I hope to address today. First, however, I want to express my deep sympathy to the family, comrades and friends of the three soldiers—Privates Nathan Cuthbertson, Daniel Gamble and Charles Murray—who were killed in Afghanistan at the weekend. Of course, my thoughts are also with the loved ones of the other members of the armed forces who have lost their lives, both in Iraq and Afghanistan.

The amount of compensation awarded to sailors, soldiers and airmen who are injured in the service of this country, and to the families of those who sadly have lost their lives, is a very important issue that matters greatly to individual service personnel and their families.

I know that, as the hon. Gentleman said, he served in the same regiment as Lance Corporal Martyn Compton and I congratulate him on his distinguished service. I am sure that he will join me and the whole House in recognising and paying tribute to the courage, professionalism and commitment shown by Lance Corporal Compton and all members of the armed forces, and by the families who support them. Of course, I congratulate the Household Cavalry on the support that it has shown for its injured service personnel, particularly Lance Corporal Compton.

I want to say at the outset that the Government are fully committed to meeting our duty of care to serving personnel, veterans and their families. As has been recognised by many organisations, including the Royal British Legion, we are making improvements, including to service pay, accommodation, health and welfare provisions, force protection and personal equipment. Of course, however, we recognise that there is still scope for further improvements. That is why we are working on a cross-Government Command Paper on personnel, which will examine a range of issues to see what we are doing well, what we could improve on and what it is possible to achieve.

The hon. Gentleman raised the issue of the review of the armed forces compensation scheme, which I announced recently and for which we had asked. I cannot give him a date at this stage as to when we can say something further, but the fact that we are reviewing the scheme is important in itself.

I of course want to join the hon. Gentleman—I am sure that all hon. Members do—in wishing Lance Corporal Compton the speediest possible recovery from his condition and the injuries that he has received. I met him last week to discuss both his experiences of welfare support and the compensation issues. I regularly meet injured personnel; I make a point of meeting them at Selly Oak hospital, Headley Court or elsewhere.

A number of questions have been raised today about the particulars of Lance Corporal Compton's case. I am sure that the hon. Gentleman will understand that, while I am happy to discuss such issues with Lance Corporal Compton directly, it is only appropriate that I confine my remarks this morning to the support, compensation and welfare available to the armed forces in general, rather than discussing the particulars of one case, as important as that case is.

There are a couple of issues that I will respond to. Lance Corporal Compton raised the issue of the notification of the guaranteed income payment with me last week, and I assured him that we will get him an assessment of what that payment will be, based of course on his current salary, because the amount will depend on what his final salary is. We will carry out that assessment and such assessments will be made for other injured service personnel in the future, too.

The hon. Gentleman asked a specific question about medical care and compensation. While Corporal Compton is in the care of the armed forces, that would be provided either directly through the armed forces or through the

[Derek Twigg]

hospital that we use in his case. Thereafter, responsibility will fall to the national health service, which will be responsible for ensuring that the highest possible standard of medical care is provided. We have been working closely with the Department of Health on these issues over recent months, and, as part of announcements that I made several months ago, a case officer will now be allocated by the Service Personnel and Veterans Agency to work with and help the most seriously injured personnel, certainly in the first two years and thereafter if necessary, if they are discharged. As I said, that is a new initiative.

The armed forces compensation scheme came into effect in April 2005. For the first time, it provides for a lump sum payment to be made to serving members of the armed forces who are injured due to service. I stress that this is the first time that compensation is being paid in-service to injured service personnel. That is an important step forward and an improvement made by this Government.

The lump sum award compensates for pain and suffering and is made under a tariff-based system that is informed by existing established models such as the Judicial Studies Board guidelines for the assessment of general damages in personal injury cases, and the criminal injuries compensation scheme. We review the tariff levels periodically, and, as I announced to the House in April, such a review is under way.

The most seriously injured are also awarded a guaranteed income payment, which we have just discussed. I stress that it is a tax-free, index-linked payment made every month from discharge for the rest of the individual's life; it does not stop at retirement. That important point often gets overlooked—deliberately so by sections of the press. The guaranteed income payment is part of the whole compensation package.

When we constructed the scheme, we listened to the advice of ex-service organisations to give lifetime financial security, rather than adding to the lump sum in the initial award, as is done in some civil cases. Again, that is an important point. We could have made it all part of a lump sum, but we did not. We thought that income for life was an important aspect of the compensation.

I believe that the guaranteed income payment provides better support for our servicemen and women, but, regrettably, it means that the true value of an armed forces compensation scheme award is not always readily understood. I stress again that the guaranteed income payment is part of the whole package. Between the lump sum and the guaranteed income payment, individuals can receive hundreds of thousands of pounds over a lifetime, and, unlike other compensation schemes such as the criminal injuries compensation scheme, the armed forces compensation scheme has no monetary cap.

To give an example—I stress that this is an example, but one that is worth tabling—a 25-year-old soldier earning £22,000 a year who is very seriously injured may receive up to the £285,000 maximum lump sum. He will continue to be paid while in service, including during rehabilitation, which may last for several years. On discharge, he will receive a guaranteed income payment of around £19,000 per year, which will be tax-free and index-linked. That is an example, but it shows the sort of payments that can be made. By the time the individual reaches the age of 45, he will have received £380,000 by way of a guaranteed income payment. By the time of his 65th birthday, he will have received some £760,000 plus the lump sum. I stress that the guaranteed income payment figures are baseline amounts and are, in fact, uplifted year on year to take account of inflation.

As the armed forces compensation scheme is relatively new, we keep it under review in the light of experience. For example, in common with other injury schemes, the armed forces compensation scheme contains a multiple injury discounting rule to prevent those with a large number of relatively minor injuries from receiving more than someone with fewer, more serious injuries.

Hugh Robertson: That is the nub of the problem, is it not? I entirely accept the logic of the situation, but there is a reverse effect, whereby if the injuries are as severe as they are in this case, the tick-box method on the form may not be capable of reflecting the absolute severity of the injuries suffered by this young man.

Derek Twigg: That is the nub of the whole debate, which goes slightly wider than that, but I accept the hon. Gentleman's point and it is an important one to make. At the end of the day, what payment is enough for our injured service personnel? Many people have different views on that—I will probably return to that a little later—but I stress that the point about what would be enough is important. We have to base the scheme on past practice and on other schemes to come to a conclusion about the sort of scheme that we should offer. As I said, we based this scheme on the Judicial Studies Board and on precedents that have been set. No scheme is perfect, but the key issue is whether those with the most serious multiple injuries get the best award. I accept that the point is important, but it is not straightforward.

At the end of last year, we recognised that the scheme was not fully meeting its policy intent of focusing resources on those who were most seriously injured. We therefore changed the rules relating to those who suffered multiple injuries from a single incident, better to reflect the serious and complex nature of some of the injuries that servicemen and women were receiving on operations. That was widely welcomed as a step forward. It is important to stress that the armed forces compensation scheme addresses pain and suffering, as well as the loss of earning capacity.

Individuals leaving the services also have access to all the state benefits that cover the other elements of civil compensation awards such as the NHS, which I have mentioned, for ongoing treatment, the disabled facilities grant for home adaptation, and the disabled living allowance for care. For instance, I know that the homes of some service personnel who are still in service were adapted to take account of disability.

It is worth reminding ourselves that any member of the armed forces injured due to service has access to these awards on a no-fault basis—this is a key point—without there being a need for negligence on the MOD'S part or for a time-consuming and costly legal process.

As I said, there are a variety of opinions about what the right compensation should be for those injured while in service. No amount of money can adequately compensate for some of the more serious injuries received by our armed forces personnel, but the armed forces compensation scheme does deliver no-fault compensation

for those who are injured and for the families of those who are killed as a result of their service in the armed forces.

Of course, welfare for injured service personnel is much broader than the compensation. This is an important point: medical care is often caught up in the wider welfare provision for injured service personnel. I want to make a few important points about medical care, which starts with the care that they receive in theatre and, for the more seriously injured, continues with the clinical care that they receive once they are returned to the UK for specialist treatment.

Since 2001, the Royal Centre for Defence Medicine, which I visit regularly, based at the University Hospital Birmingham Foundation Trust, has been the main receiving unit for military casualties evacuated from an operational theatre. The clear view of all the injured service personnel and families whom I spoke to during my last visit was that they were being really well looked after. There were no complaints about the care that they were receiving.

In the Birmingham area, military patients can benefit from the concentration of five specialist hospitals, including Selly Oak hospital, to receive an excellent level of clinical care. Indeed, I and many others believe that Selly Oak is at the leading edge in the medical care of the most common types of injuries that our casualties sustain. If there is a need for urgent specialist treatment that cannot be immediately provided in the Birmingham area, we ensure that the patient is admitted promptly to a unit elsewhere in the UK that specialises in the particular injury, such as the burns unit at Broomfield hospital.

The Defence Committee recently described the treatment available to troops injured on operations as "second to none" overall—an assessment that I share, having visited our patients and staff in field hospitals in Iraq and Afghanistan, as well as in NHS hospitals in the UK. All veterans now receive priority care on the NHS after discharge for conditions caused by their service. The NHS recently reinforced that message.

If military patients require further rehabilitation following initial hospital treatment, they may be referred to the Defence Medical Rehabilitation Centre at Headley Court in Surrey, which is widely recognised as delivering first-class specialist rehabilitation of complex cases. The Government recognise that continuing investment is needed to ensure that Headley Court retains its reputation as a centre of excellence, and have recently announced that they will invest an additional £24 million in the Headley Court site over the next four years to maintain and enhance its capabilities. The new investment, together with current funding for new facilities, means that Headley Court will see an investment over those four years totalling some £24 million, in addition to substantial funding that the charity Help for Heroes intends to provide for the new rehabilitation complex. We also adapt service accommodation, where appropriate, for injured personnel who are able and willing to continue their service career. That is another important point. Many injured service personnel remain in service.

Injured personnel also receive welfare support during their treatment and convalescence. Visiting officers, available on 24-hour call-out duty, maintain regular contact with injured service personnel. The Birmingham welfare office supports the hospitals in that area, there are regular welfare surgeries at Headley Court and the veterans welfare service contacts seriously injured personnel before their medical discharge. In combination, those services provide support to injured personnel and their families throughout treatment. We have also increased community psychiatric and nursing support.

No amount of money can adequately compensate for some of the serious injuries received by our armed forces personnel, but the Ministry of Defence can and does ensure that those injured in service are provided with exemplary health care.

Hugh Robertson: I thank the Minister for his remarks about the armed forces compensation scheme and his commitment to ensuring that Lance Corporal Compton gets a proper indication of his guaranteed income payment. Will he also look again at the file? I accept that no figure could possibly compensate that young man for his injuries, but for better or worse, there is a figure of £285,000. I, as his representative this morning, would like to ensure that he receives the maximum sum possible for his injuries under the scheme. Will the Minister undertake to look again at the file to see whether that is possible?

Derek Twigg: The straightforward answer is yes. I said to Lance-Corporal Compton last week when we discussed the nature of the injuries and how they were compensated that I would look at it, and I will.

As I was saying, the Ministry of Defence can and does ensure that those injured in service are provided with exemplary health care, a compensation award to reflect the pain and suffering that they have experienced, welfare support and, in the cases of the more seriously injured, a tax-free income stream for life to reflect the loss of potential earnings and pension. I reiterate, because the press often deliberately overlook it, that we provide a guaranteed income payment that can amount to hundreds of thousands of pounds during a lifetime.

I believe that we are supporting our armed forces personnel and their families to a much greater degree than ever before. We can always look to see what can be improved, and we continually review what we do for our armed forces personnel and veterans and their families. That is why we are reviewing the compensation scheme. I cannot give the hon. Gentleman a time scale or tell him what the conclusion might be; I can only say that the fact that we are reviewing it indicates that we are not sitting back. We always listen to the contributions and representations made to us. We will make an announcement at the appropriate time.

11.22 am

Sitting suspended.

Minimum Wage

2.30 pm

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I am delighted to have the opportunity to introduce a debate on enforcing the minimum wage. I am raising the issue in the House this afternoon because of a recent case from my constituency, which in turn highlighted a number of wider problems with the national minimum wage and its enforcement.

The national minimum wage is one of the big success stories of this Government. By one estimate, its introduction has brought at least 1.3 million people extra income and it has been particularly beneficial for women, who make up 70 per cent. of the beneficiaries. Part-time workers have also benefited—about two thirds of the jobs affected have been part time. Despite the hysteria in some quarters when it was introduced—I am referring to the official Opposition—the national minimum wage has not cost jobs; in fact, the evidence is that it has created jobs.

It is a success story, but to reap the full benefits the national minimum wage must be enforced. Minimum wage enforcement teams throughout the UK have had a degree of success. According to figures given in various sources, in the past year the teams identified more than £3 million in underpaid salaries throughout the UK, and they have helped to return more than £27 million to about 80,000 underpaid workers since 1999. To give an example, recently, as a result of only one call to the helpline, 180 employees of a company in the London area shared a total payout—they were owed the money, of course—of more than £100,000.

Many cases, however, slip through the net, which is what I want to concentrate on today, and in particular on one case from my constituency. About two years ago, a woman, a foreign national, who worked in a restaurant, came to my surgery with her partner. I will not give her name for reasons that will become obvious when I recount her story. She was on low pay and discovered that she was being paid less than the national minimum wage. She found out about the wage and how to assert her rights. She complained to her boss, but made no progress on receiving her rightful minimum wage. After a while, her boss sacked her because of her requests.

My constituent complained to the national minimum wage helpline. She was here legally and had a work permit, but its terms required her to find a new employer within four weeks if it was not to become invalid. However, her boss let it be known to others in that sector of the restaurant trade that she was a trouble-maker because she complained that she did not get the minimum wage, so she had difficulty finding a new employer. Thanks to the intervention of the Department responsible for such things at the time—it was either the Home Office or the Foreign and Commonwealth Office—she was given an extension on the period in which to find a new employer to three months, and was able to get a new job and stay in the UK.

My constituent worked with the national minimum wage enforcement unit to try to get the money that she was due from her previous employer, and they worked out that she was due more than £6,000 in back pay because of the low wage that she had received. I intervened to try to sort out the difficulty caused by her work permit, and was in contact with her up to the stage at which she was trying to get the £6,000 she was owed. I thought that the case had been solved, that there had been a satisfactory result, and that the woman had got her due rights.

However, a few weeks ago, my constituent came to my surgery with the same problem, because the story did not end as happily as I thought it would. I was told that the enforcement unit, because of a heavy work load, had not been able to bring the case to a conclusion in almost two years. During that time, my constituent's family had been threatened with violence, presumably to persuade her to withdraw her claim here in the UK, and the employer resisted making payments. Eventually, at the request of the enforcement unit, which wanted to bring the case to a conclusion, my constituent agreed to settle for a lesser sum than she thought was due. She agreed to receive £4,000 and, as I understand it, an order to that effect was made by an employment tribunal, after which her employer, which was a limited company, went into liquidation without paying her a penny. She is pursuing the matter as best she can, but the outcome was that when she tried to enforce her rights, she found that the enforcement unit was unable to act as quickly as she felt it ought to. As a result, she has not received a penny for the wages that she was due some two years ago.

I emphasise that my constituent does not complain about the individual officers in the unit; she feels that they worked very hard to help her with her case. She was told, however, that the officers' work load was such that they were not able to put the time that they would wish into individual cases.

That case led me to make inquiries about the enforcement of the national minimum wage, and it now seems to me that there are a number of ways in which to make enforcement more effective. According to the Government's estimates, almost 300,000 UK workers are being paid less than the minimum wage. I shall not go into all the case studies that I have seen because of the time, but organisations such as Citizens Advice suggest that it is a big problem in many areas of the UK. Indeed, since the national minimum wage was introduced, there have been only three successful criminal prosecutions for offences involving disregard of national minimum wage regulations by employers. Many more cases resulted in payments of back pay, but criminal prosecutions have been rare.

David Taylor (North-West Leicestershire) (Lab/Co-op): We had a similar debate on poverty a week or two ago. Does my hon. Friend recall the last pre-Budget statement by the Prime Minister when he was Chancellor of the Exchequer? He announced that the Government were increasing the resources to tackle non-compliance by 50 per cent.—£3 million or more. Does my hon. Friend know how that money was used? There appears to have been a steady growth in the number of cases of failure to pay the national minimum wage, not only by direct employers but by outsourcing at arm's length through agencies. The latter arrangement is difficult to tackle.

Mark Lazarowicz: My hon. Friend raises a good point and the Minister will doubtless answer his question. Certainly, more resources have been put into enforcement of the national minimum wage—I was coming to this

point—some of which have gone into hiring an extra 20 enforcement officers, which is welcome. Various tougher penalties are being imposed upon employers who break the law, which I also welcome, but more needs to be done on grass-roots enforcement to get the full benefits to those who deserve the Government's support to get the wages that they are due.

Ann McKechin (Glasgow, North) (Lab): I congratulate my hon. Friend on securing an excellent debate this afternoon. Given the context of his constituent's case, have any criminal charges been brought in Scotland, where there is a separate jurisdiction for criminal law? Does he believe that the staff in the minimum wage enforcement unit are familiar with the practices under Scots law and is there sufficient co-ordination between them and the Justice Department in Edinburgh?

Mark Lazarowicz: I hazard a guess that my hon. Friend thinks that the answer is no. Nevertheless, she raises an important point. The unit has to take account of the situation in different parts of the United Kingdom, particularly where a Department in another Government has some responsibilities in this area and where there is a separate legal system. My hon. Friend makes a good point to which I hope the Minister will respond today, or at a later stage. I do not know of any prosecutions in Scotland. That is important, because as well as enforcing legislation, prosecutions of this nature are an effective means of giving an exemplary reminder to employers who do not meet their duties of what can happen if they do not fulfil the requirements of the minimum wage.

I recognise that the Government have put in extra staff and resources, which is good news, and hopefully that will lead to results. We must look seriously at providing more staff and resources to enforce the minimum wage on the ground. From what my constituent was told by the officers concerned, her experience was that they felt unable to keep up with all the complaints made to them as quickly as they would like to. More staff resources should bring results in terms of real cash going to people who are not getting the money to which they are entitled. There needs to be an investigation, at least, into providing more staff.

Kelvin Hopkins (Luton, North) (Lab): From the story that my hon. Friend related earlier, it appears that a lot of low-paid workers are too intimidated to apply for an inspection to allow them to be paid the minimum wage. Would it not be better to have a much more rigorous, proactive inspection regime in which employers are checked regularly by inspectors to ensure that they are paying the minimum wage, rather than leaving the onus on employees to make a complaint in the first place, because they might be intimidated into not doing so?

Mark Lazarowicz: My hon. Friend makes a good point, particularly given that in certain sectors, about which all hon. Members know, there is more likelihood of exploitation of the type he mentions and it is more likely that people will be paid below the minimum wage. One statistic suggests that, on average, a business could be expected to be visited once every 330 years by wage inspectors. In some ways that is a meaningless statistic, but it makes the point that there is in respect of certain sectors a strong case for much more proactive enforcement of the minimum wage regulations.

The role of the employee or other members of the public in reporting non-payment of a minimum wage is crucial. We need to consider making changes to the publicity of the national minimum wage, so that people can understand what it is, what they are entitled to and how to complain about non-enforcement. There are advertising campaigns, which I welcome, including a recent national and regional online advertising campaign, which may still be ongoing. A bus campaign has visited many parts of the UK; however, I understand that there is just one bus, not a fleet of buses. One bus will take quite a while to reach most parts of the UK, even allowing for fast progress between different locations. That suggests that we should pay more attention to publicity.

We need to do more to target ethnic minority workers, who are often underpaid and are often, for all sorts of reasons that hon. Members can appreciate, the most vulnerable in respect of irresponsible and criminal employers. There is material in ethnic minority languages, and other work of that nature is being done. However, from my knowledge of my constituency—I am sure that this is replicated elsewhere—a lot more could be done to make a particular effort to target ethnic minority workers in their workplaces and where they gather, and through their media outlets and in other ways.

Mr. David Hamilton (Midlothian) (Lab): May I apologise for arriving late, Dr. McCrea?

Would it be appropriate to ask local authorities, which are major employers, to make sure that the minimum wage is part of the subcontract detail when they subcontract? They should be ensuring that the minimum wage is paid.

Mark Lazarowicz: Indeed; that is another important method that could be used.

I mentioned targeting publicity on the enforcement of the minimum wage at ethnic minority workers. This is a delicate area at the moment in some political debates, as colleagues will recognise. However, there is an issue—there is no point in hiding it—in many parts of the country where there is a feeling that ethnic minority workers can undercut UK workers. That is actually happening in some cases—there is no point in denying that—and it leads to all sorts of tensions and resentments between ethnic minority workers and the UK citizen work force. Of course, ethnic minority workers are not necessarily UK citizens.

One of the best ways of reducing the possible tensions is to remove as far as possible the opportunity for people to feel threatened by being undercut for their work, and to prevent their being paid less than the national minimum wage. The more that we can do to ensure that ethnic minority workers get at least the national minimum wage and are not exploited, the more we benefit the resident UK work force, be it ethnic minority or not. We can do a lot to benefit ethnic minority workers and the wider work force, and to benefit or improve inter-community relations in a way that leads to a win-win situation.

David Taylor: Having spent time in Crewe toward the end of the recent by-election campaign, I heard a lot of anecdotal evidence on the doorstep—no doubt this is

[David Taylor]

so in lots of other towns throughout the country—that eastern European workers were undercutting in ways that breached the national minimum wage legislation. Is it not possible for the Department for Business, Enterprise and Regulatory Reform, the Department for Environment, Food and Rural Affairs or Her Majesty's Revenue and Customs to establish a roadshow, for example, to promote the minimum wage and act as a point of reference in towns from which complaints are received, in order to put the case in the public spotlight?

Mark Lazarowicz: That is a good point. My hon. Friend mentions anecdotal evidence. It may be anecdotal but it is also true: such anecdotes are soundly based. There are instances of migrant workers, rather than ethnic minority workers, being exploited in this way. The more we direct efforts to ensure that they are not exploited, the more everyone benefits, including both the migrant and the domestic work force.

I have been involved in campaigns in my constituency with trade unions and representative organisations from migrant worker groups. Although some material on these issues in various languages is available from Departments and from the Trades Union Congress and other organisations, not a lot of material is available and there is not a lot of easily accessible information that could allow maximum take-up of these rights by both UK and migrant workers, who might be from ethnic minorities.

Ann McKechin: Is my hon. Friend concerned, as I was, about a recent report in *The Guardian*, which said that, until there is an increase in expenditure on advertising the minimum wage hotline, the amount spent by the Government is a sixth of that spent on a recent Government campaign urging people to use tissues when they sneeze? Does he not agree that now is the time for us to give this issue much greater priority throughout the UK, particularly, as he has mentioned, for ethnic workers and low-paid women?

Mark Lazarowicz: My hon. Friend makes a powerful point that, unfortunately, has taken away the last, ringing point that I was going to make. That again highlights the fact that, despite the number of workers who are entitled to and receive the national minimum wage, there are still too many who are not getting that to which they are entitled.

I return to where I started. Introducing the national minimum wage is one of the biggest success stories of this Labour Government, and we should do everything that we can to ensure that all those who are entitled to it receive it. That requires spending money to bring about reinforcement. Spending money in that way will benefit not just the workers concerned but the wider community. In some cases, it may also benefit the Exchequer. As people receive more income, they will enter the wage system in a way that they previously did not. For all those reasons, I urge the Minister to consider ways in which her Department, working with other Departments, can increase the uptake of the national minimum wage. I look forward to other hon. Members' contributions to this debate.

2.51 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing this very important debate. Many constituencies face issues that reflect his concerns about non-enforcement.

I do not want to give three cheers for the minimum wage, because it deserves only one cheer—possibly two, at a stretch. We know the stories: £1.50 an hour in the security industry and £1.50 an hour in the forestry industry before the minimum wage. I remember my hon. Friend the Member for Dumfries and Galloway (Mr. Brown) telling us about the wage rates in his local industry. The reality is that the wage rate has become a poverty trap for many workers. People are being paid less than they would if we had proper trade union legislation and if we returned to the system of industry wage councils, which worked well before they were collapsed by the Conservative Government to allow massive exploitation and the driving down of wages to the point at which people were getting £1.50 an hour.

When we introduced the wage in 1999, it was £3.60, which was far too low. We were afraid of the propaganda that was put out by the Conservatives and by many people in British industry who did not want to see any security for workers. They were quite happy to use the exploitative environment in which the Conservatives had left the working people of this country after 18 years of misrule. The rate was too low, and it has not risen quickly enough. The adult rate of £3.60 has risen to £5.52. It will go up again in October. That is a 53 per cent. increase. It has only gone up by half from a very low base since 1999. That is an average of 6 per cent. a year.

People may say that that is great and that 6 per cent. is a lot more than people are receiving on average. However, it is certainly not comparable with the massive rip-off wages of the people who work in the City or the people who have exploited the oil resources of this country. The finance markets and the domestic markets for fuel are in an unacceptable state, yet the wages returned to those people have gone up by hundreds of per cent., rather than by 6 per cent. per annum.

I want to speak about the development rate. What is a development rate? Where did that phrase come from and what does it mean? The former Minister, my right hon. Friend the Member for Makerfield (Mr. McCartney), is here and he put it through, but it is a mystery to me what development is supposed to go on between the ages of 18 and 21 that justified us giving people only £3 an hour instead of £3.60, and at this moment only £4.60.

We made one major improvement in 2004; we recognised that those aged below 18 were being ripped off lock, stock and barrel, because they were not covered by the minimum wage until 2004. Therefore, industries such as burger bars and shops would employ young people aged between 16 to 18, because they were not covered by the minimum wage. At least, we have corrected that. Although we have not given them a great deal, we have at least brought them into the structure.

There is an argument that, at 16 and 17, people should be encouraged to stay in school and not go into employment. Sadly, in my constituency, there are still many people who leave school and end up not in

employment, education or training. Eventually, they end up in some low-paid, temporary and pointless job, which pays them a small wage.

What is a development wage? At the age of 18, a young person can fight and die for their country. They can go out on the front line of a battle and die. They can legally drink in a public house and legally purchase alcohol, and by the age of 21, they can do anything that any citizen would wish to do. They can vote at 18, but they cannot get a man's wage. I married when I was 21 and my wife was 19. If we had been that age now, we would be getting paid a development rate if we did not have some other way of finding employment. I used to go out and work on a building site. I did that before I was married; during the holidays I married, and I went back on to that building site. I was paid a man's rate, because I did a man's job.

Today, when a youngster goes on to a building site, someone does not say, "You're getting less of a job and you'll get development." No, they are given a pick and shovel, or some other implement, and told to get in there and work with the rest of the squad. So what is the development rate about? It is a sop to the rip-off merchants who run many of our industries today.

In the retail industry, which is prevalent in West Lothian, everyone who works in a shop is paid the minimum wage or below—they are paid the minimum wage, but they are below the age of 21, so they get £4.60. The top rate of pay for the supervisor who runs the shop is £6.40 an hour. That is the environment to which people have been driven, partly because the minimum wage is so low. It is reprehensible, and we should have done what the trade unions suggested at the time and set the wage at half the median income for the country. Until we start thinking about that and about giving every 18 year old and above the same rate of pay as everyone else on the adult minimum wage, we are offending greatly against the principles that I certainly came into the Labour party to pursue.

I now want to turn to my pet subject—the Minister probably anticipates this—of the minimum wage and the treatment of tips. The famous regulation to which I refer is not in the National Minimum Wage Act 1998. It is so well hidden in the National Minimum Wage Regulations 1999 that when I talked to Professor George Bain, who chaired the Low Pay Commission for four years, he said that he did not know that it existed. He did not know that such things went on. Regulation 31(1)(e) says that, if tips are paid through the payroll, it counts towards the minimum wage. For 2 million people working in the hospitality industry, a large number get their wages from their tips. The minimum wage is not a wage with an addition for the tips that we give them; it is made up of those tips.

What is a tip? As defined by Her Majesty's Revenue and Customs, everything that is a gratuity, tip, service charge or cover charge is a tip. It has defined that quite clearly for the purposes of tax and national insurance. When we enter a restaurant and it says at the bottom of the bill, "A 12.5 per cent. service charge has been added to this bill"—sometimes it says that that is voluntary and sometimes it does not—we are paying a tip. If we pay that on our credit card—this matter has been judged all the way up to the European Court of Justice—we are paying it to the owner of the restaurant or the hotel premises that we are in. However, if we pay cash and it is paid through a kitty or tronc, which it mainly is, and it goes through the payroll, it still counts towards the minimum wage. So if we give cash, we might not be giving it to the proprietor, but we are still paying the minimum wage with it.

After I introduced a ten-minute Bill in the House, I discussed the matter with the Minister and officials from the Low Pay Commission. I say pejoratively that I found them to be useless. They said, "If we take that away, and tips are in addition to the minimum wage, we will have to find out how much tips people are getting and enforce the tips." However, that is not correct. All they have to do is ensure that people get the minimum wage. The law should say that everything that is paid as a tip or gratuity will have to count on top of the minimum wage. That would redress the balance between the customer and the person who is serving them.

The French word for a tip is a "pourboire", which means "for to drink". That is what a tip is: an additional sum of money on top of someone's wages that they can have some leisure or pleasure with, but that is not so in this country. In this country, because of the regulation I have referred to, tips are paying the wages—a minimum wage—of many people in the hospitality industry. It is time we stopped that. It is also time that we paid a decent minimum wage and the same rate to all adults. People who are above the age of 18 are adults—they have adult responsibilities, and they usually work an adult shift.

If we get rid of the tips anomaly, people who work in the hospitality industry, particularly in this city, would find that they are due what they are given by their customers. If people want proprietors to get more money, put up the cost of the facility or the food. Anything on top of that is what the customer chooses to give as an extra to the staff for the quality of service. That would redress some of the imbalance that occurs at the moment. The issue was recently illustrated by the *Daily Mirror* and Unite launching the fair tips campaign, which called for a fair tips charter to be displayed by good premises that pay the minimum wage, on top of which tips are paid. I hope that the Government will shortly do something to correct the tips anomaly.

3.1 pm

Mr. Andrew Smith (Oxford, East) (Lab): Although it was a huge step forward when Labour brought in the minimum wage, which benefited millions of the lowest paid workers, it is appalling that estimates from the Office for National Statistics show that around 300,000 workers are still in jobs that pay below the minimum wage. As we all know, that is only the tip of the iceberg.

I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing this timely debate, and I very much agree with the points that he made about strengthening staffing resources and publicising enforcement. I also agree with the point made by my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) about 18 being recognised as the age at which the adult entitlement for the minimum rate should apply, and I think that we all found his arguments persuasive in relation to his convincing obsession with tips.

[Mr. Andrew Smith]

Although progress has been made on the minimum wage, part-time workers, maternity and paternity rights, holiday entitlement, the rights of union representation and the recent agreement on temporary and agency workers, a great deal remains to be done. That was graphically illustrated in the excellent and chilling report, "Hard Work, Hidden Lives", by the Trades Union Congress commission on vulnerable employment. The report sets a compelling agenda on which the Government must act further to improve workers' rights and to ensure that they can access the rights that they are already supposed to have. We must have more debates and campaigns on the wider issues to keep these vital matters at the forefront of people's minds and to secure further progress.

I shall focus on two particular points about minimum wage enforcement that have been brought to my attention by my trade union—the Union of Shop, Distributive and Allied Workers. My hon. Friend the Member for Linlithgow and East Falkirk referred to the important role of trade unions in these matters. We all have a responsibility to act to counter such abuses, but we must respect and recognise the role that trade unions can play.

I want to make the case that third parties should be able to take representative or group cases to employment tribunals to enforce the minimum wage. At the moment, underpaid workers request that they get their due by contacting the minimum wage helpline and taking a case against the employer to an employment tribunal. Every worker who believes they have been underpaid needs to be named on the application, otherwise they will not be affected by the case, even if they are underpaid.

As we know, if an employer is underpaying one member of staff, in most cases, others are also being underpaid. Workers who are being paid less than the minimum wage are some of the most vulnerable people, as we have heard. Most fear losing their jobs if they take action against their employers to demand the higher pay to which they are entitled. The system identifies every such worker and leaves them vulnerable to reprisals from the employer, as we heard in the awful case raised by my hon. Friend the Member for Edinburgh, North and Leith.

There are obvious difficulties related to those circumstances and to persuading workers to put their name on an employment tribunal application—let alone being the first on the list. Although workers are protected from day one against unfair dismissal for enforcing the minimum wage, as we know, there are all sorts of ways that an employer can make it impossible for a vulnerable worker to continue their job—for example, unreasonable shifts, denying holiday requests, changing job content, and so on. Many cases of minimum wage underpayment are therefore never brought and that allows unscrupulous employers to think they can get away with it.

To move forward to a solution, we need to revisit the present restrictions whereby trade unions and other third parties are prevented from any involvement in cases of minimum wage enforcement. If a third party makes a complaint to Her Majesty's Revenue and Customs, they are not even allowed feedback on the outcome of the case. I should be grateful if my right hon. Friend the Minister addressed that in her reply. As we know, representative actions and group litigation orders are allowed in the courts in certain circumstances. Therefore, it seems anomalous that employment tribunals cannot hear representative action and that their powers to manage group litigation in a way that would help to defend low-paid workers from exploitation are less extensive than those of the courts.

I shall try to hurry through my comments, because other hon. Members want to contribute. A further point relates to the wider remuneration package and employment issues. I want to put the case for HMRC minimum wage enforcement officers to be given the powers and training to enforce wage-related employment rights, including rights to paid holidays, statutory sick pay, maternity and paternity pay. Presently, if an employer fails to pay the minimum wage, they often also deny their staff other rights, including holiday leave, sick pay and maternity and paternity pay.

Even if minimum wage enforcement officers find evidence for such underpayments, they do not have enforcement powers. The only option for a worker to enforce their entitlement to those rights is to take an individual case to the employment tribunal. However, there is no protection against unfair dismissal for a worker who has been in employment for less than one year and who is seeking to enforce their legal rights to such payments. As I said, even if an employee has been in the same job for more than 12 months, an employer can find numerous ways to make it difficult for them to stay in their job and complain about their rights. There is little recourse for vulnerable employees who have been denied those payments. That makes the employment rights that we are proud to have carried forward under this Government of limited practical use to the most vulnerable employees, about whom we should be most concerned.

Given that HMRC inspectors have considerable expertise in dealing with wage issues and unscrupulous employers, there is surely a case for extending their role. With additional training, they could seek out and enforce compliance with the other wage-related employment rights issues. They could also ensure that vulnerable workers are protected and that employers have more to lose than they presently do from evading the law.

The introduction of the minimum wage and other employment rights has been a huge step forward. However, if all workers—particularly the most vulnerable—are to enjoy the minimum civilised standards for which we surely all ought to be fighting, enforcement needs to be strengthened, including in the ways that I have suggested.

3.8 pm

Mr. Ian McCartney (Makerfield) (Lab): It is not often that former Ministers are present in debates such as this, not to defend themselves, but to think aloud about where we should take things.

My hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) said that he would give the minimum wage two out of three; I would give it three out of three. That is not because I was the Minister responsible for it or because I am totally loyal to the Government, which I am on two counts—one historical and one factual—but because, 10 years ago, a debate such as this would have been about the principle of the minimum wage and whether it is a viable option in a

modern labour market. That argument has been won. Conservative Members sit over there, but there is absolute, or almost absolute, silence from them. Yet, the Conservative party tries to convince us that it is an anti-poverty party.

We started a campaign to establish the Low Pay Commission, and the national minimum wage is now a reality. Under their contracts, constituents working in Burger King were earning 10p an hour. When there was no work for them to do in the early evening, they had to sit and wait until their employer told them to get back behind the counter. While they were waiting, they got no pay whatever.

When the national minimum wage started, it was £3.60 an hour, which was not a lot of money, but it was better than 10p an hour. The big thing about the minimum wage, however, is that it is not just a minimum wage; it is about the state taking responsibility for its citizens—for workers who are vulnerable, disorganised or unorganised and who do not have the capacity, individually or even collectively, to negotiate better pay and conditions.

Whatever the rate of the minimum wage in the future, it will always be just that—a minimum wage. For many workers at the edges of the labour market, it will always be vulnerable, and there will always be employers who are prepared to undercut it. If we accept that that is the reality, we have to ask what we, as parliamentarians, can do to improve the system in the light of our experience since the implementation of legislation.

Michael Connarty: Everyone in Parliament who followed the minimum wage process from concept to reality will commend my right hon. Friend's efforts to promote it and to tackle issues relating to temporary workers and the working time directive. We all owe him a debt of gratitude, and every worker in the country should realise that.

Mr. McCartney: I thank my hon. Friend for that. I was not being defensive. I was one of many people involved in the process, and the truth of the matter is that I was lucky to be the right person at the right time. Although I was certainly enthusiastic about the job, it was a collective agreement.

The consultation on the Employment Bill will take its course, and I hope that the Government will respond positively to the recommendations that USDAW, Unison, the TUC and others have made to improve its workings. I want, however, to concentrate on the current regime.

We asked HMRC's predecessor to take responsibility for investigation and implementation because it was the one organisation that had the capacity to look at employers who refused to pay the minimum wage on request or as a simple matter of principle. Those were the same employers who refused to introduce minimum health and safety standards and who failed to recognise trade unions, pay appropriate tax and national insurance contributions and do all the other things that a good employer does as a matter of course. HMRC is the one agency that has the capacity, intellectual ability and skills mix to have a relationship with every employer in Britain. It is a powerful tool in implementing a national minimum wage and dealing effectively and quickly with those who refuse to pay it.

First, it was always the intention that every HMRC inspector would have direct or indirect responsibility for ensuring the implementation of the minimum wage. When inspectors check whether VAT, tax or national insurance contributions have been paid, they also have the capacity to check on wage levels, and vice versa. HMRC does not have just a handful of individuals in a region with a particular skill, but a large number of people in each region of the United Kingdom, including Scotland, Wales and Northern Ireland, who can implement the minimum wage. It uses an army of people, rather than a small number of people within that army, to implement the minimum wage. However, it is worth considering whether it can utilise its resources more effectively.

Secondly, when vulnerable workers think of making a complaint, the first question that they ask themselves is, "What will happen to me?" Nine times out of 10, they are not in a trade union, and nine times out of 10, they are in a part of the economy where the trade unions are disorganised or not organised at all.

Thirdly, regardless of whether workers are married, unmarried or in a relationship of any sort, and regardless of whether they have responsibilities of any sort other than to themselves, we can be sure that their wage will be the only wage that they have.

Mr. David Hamilton: May I make a point about the second issue that my right hon. Friend has raised? In many areas, such as my constituency, the vast majority of employees work in small companies and are often not entitled to join trade unions, because trade unions are not recognised. That is one of the changes that could be made.

Mr. McCartney: I was coming to that—

Mr. Hamilton: Sorry.

Mr. McCartney: No, that is okay. It is more than a fair point. The minimum wage was so important, because it was meant to help workers who could not organise to get a higher rate. We must ensure that we deal effectively with the barriers to making a complaint in the first place. We did that by treating the minimum wage as a day-one right, which could be claimed by the worker themselves or by someone representing them, which is important. In other legislation, we have tried to improve the capacity of unions to get into small and unorganised workplaces, but the unions still have a low base in the low-paid sector, although they are beginning to expand, speak up and speak out.

On a daily basis, the practical truth is that workers will still be on their own. That is why HMRC and the Gangmasters Licensing Authority are important. Now that we have established those bodies, we may have to look at ways to bring them together more effectively—in a single agency or whatever—so that they have the capacity to intervene immediately when an employee or group of employees makes a complaint about their wages.

It is important that those who decide not to pay up immediately in keeping with the regulations face a further penalty. Workers should be entitled not only to back pay, but to compensation. That is vital, given the trouble that people go to simply to claim the minimum

[Mr. McCartney]

wage. Few of them are in a trade union, so all communication—whether it is telephone calls or whatever—involves a cost to them. There is the cost to them in terms of worry and concern, and there is also the cost of trying to borrow money from somebody else when their employer does not pay them the wages to which they are entitled and which they need to meet their bills. They can be hard-working, but they can still be unable to meet their bills. So getting back the £300, £400 or even the thousands of pounds that people are owed is not enough; we need to see whether there should be a compensation package. I hope that the Government will consider introducing in the Bill the capacity not only to repay people where they have been underpaid, but to compensate them.

We could debate that issue and related issues for a long time, but I know that other colleagues want to come in. However, the fact that we are having a debate shows that we still have a Labour party in Parliament that remembers where it came from, where it is going and where it needs to get to in a disciplined fashion. The longer we keep the Government where they are, the more vulnerable workers will become less vulnerable and the more workers who are being underpaid will get the minimum wage. It is critical that that happens.

The publication of information on the minimum wage raises several key issues. First, few workers understand their rights. Secondly, few can calculate what their wage should be. Thirdly, in industries where workers are vulnerable, few of those who take up work get a contract of employment that is worth the name or which informs them of their rights. Fourthly, when workers get information, it is often confused or not adequate to help them assess whether they are getting the minimum wage.

The Low Pay Commission should, therefore, have a statutory right to amend the relevant regulations to ensure that we have a different form of payslip. Workers should be entitled to a basic minimum payslip designed by the Low Pay Commission. They should be able to use their first payslip to calculate whether they are receiving the minimum wage. On the back of that payslip, there should be information about the hotline and about where people can go if they believe that their employer has miscalculated their wages.

We should take responsibility away from the unions, the employer and the employee and put an easy reckoner on the payslip to show whether the minimum wage has been paid and, if not, how people can get back the money that has been stolen by their employer. If we were to take that step, we could help hundreds of thousands of workers a year.

It would be a mistake if we went to court in the end. I would rather see the money spent on investigations. I would rather put money back in people's pockets than spend hundreds of thousands of pounds of scarce resources on taking employers to court, when they might just bunk off in the end—many of them would do that. We have to take measures to deal with this issue as part of a prevention strategy, rather than a strategy to deal with things once the horse has bolted.

We must improve the role of HMRC and its relationship with other agencies, such as the Gangmasters Licensing Authority. We must put resources into ensuring that workers understand their entitlements from day one, so that they know when they get their first pay packet whether they are being paid the minimum wage to which they are entitled.

3.19 pm

John McDonnell (Hayes and Harlington) (Lab): It is a tradition to congratulate the hon. Member who secured the debate, and it is usually a formality, but my congratulations and thanks to my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) are genuine, because the debate is very timely. We think that the Second Reading of the Employment Bill will be towards the end of June, when the Government will have the opportunity to deal with the range of issues that we are covering. I associate myself, by the way, with what has been said about my right hon. Friend the Member for Makerfield (Mr. McCartney); we would not even be having this debate if it were not for his work.

The Employment Bill will enable us to consider the issues of tips, group actions and holiday pay. I hope that Mr. Speaker will allow us to address the issue of the exclusion of those under 21 from employment rights legislation. I want to raise something else, too. Several of us have been involved in the National Union of Rail, Maritime and Transport Workers campaign on minimum wages for seafarers. We have led a campaign for a decade now in which we have tried to demonstrate that seafarers working on UK-flagged ships are paid at different wage rates because of their race. The European Union intervened, and the Government introduced legislation so that those workers could not be discriminated against on the grounds of nationality. However, many of us thought, "What's the difference?", because employers will still get round the provision and avoid paying people a fair wage.

The concession that the Government made in the Select Committee on Regulatory Reform, which I attended, was that the minimum wage would be paid to all UK seafarers—all workers on UK-flagged ships—when they are in British waters. We thought we had a major victory, and we were about to put out a press release congratulating the Government—a rare thing for me—on their work. Then we got back to the office to discover that the change did not apply to British territorial waters, but to British internal waters, which means it concerns the Norfolk broads. Many routes from this country are not included in the provision, which has enabled shipping companies to avoid paying the minimum wage on a large number of UK-flagged ships, particularly ferries, which is a disgrace in this day and age. We shall table amendments to the Employment Bill.

I hope that we are setting the agenda for the Government, and that in three weeks—I hope it is three weeks—they will table amendments to address the anomalies that we have outlined. Also, I think that hon. Members have today constructively demonstrated how the system can be improved to achieve the original objectives that we all—certainly on the Labour Benches—supported when the minimum wage was proposed. I concur with the criticism about those who are under age, and so on, and we can deal with that in the Bill, if we are creative enough in drafting amendments.

Whatever improvements we get will be irrelevant, however, unless we have the resources to enforce the minimum wage. I chair the Public and Commercial

Services Union parliamentary group, which is an all-party group. The union has welcomed the minimum wage, and it is PCS members who enforce it. They welcomed the statement in 2006 by the then Chancellor of the Exchequer about increasing resources by 50 per cent. and the statement by the Minister for Employment Relations and Postal Affairs that there had been a £3 million increase in the overall budget. Ministerial statements have been superb, but the delivery at management level has not reflected the political statements and commitments that we have been given. For example, the budget in question was frozen for a period before the additional money was made available—management froze it as part of an overall review of departmental resources. One of the statements made by Government was that there would be 20 additional compliance officers. First, none were in place by April 2007 and only 17 had been recruited by 2007-08.

We have been asking questions about where the £3 million has gone. The figures show that the HMRC budget devoted to national minimum wage enforcement in 2006 was £6.3 million, and that that went up to £6.7 million in 2007-08. Only £6.5 million was spent, which does not reflect a £3 million increase in resources. We have looked at the BERR budget with reference to promotional work, but it only accounts for an increase of £200,000. Again, it seems that because of managerial decisions made within the Department, the money that was awarded at the political level has been swallowed up elsewhere and has certainly not been applied to front-line staff to implement policies. In order to extract information, the unions have submitted freedom of information requests about the budgetary disbursement of resources.

The key issue is to use the opportunity presented by the Employment Bill to bring together the agenda of improvements, to put right the issues that we are concerned about and to continue the pressure to increase the minimum wage, now that, as my right hon. Friend the Member for Makerfield has said, we have established the principle and shot down all the arguments about the cost to jobs. However, we must, when we make policy here, make sure that the resources are available, and that they are well and consistently managed, to enable the policies to be carried out. In that matter, members of the PCS who are working on the front line are not confident that the management of resources will ensure that that policy is implemented, which is something that I am sure all Labour Members want.

3.25 pm

Dr. Vincent Cable (Twickenham) (LD): Not just formally, but genuinely, I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz), on introducing an important subject through a combination of serious policy argument and some powerful anecdotes to support his case. He has been well supported by his colleagues—particularly the hon. Member for Linlithgow and East Falkirk (Michael Connarty), who had direct experience of low-paid work in his younger life, and the hon. Member for Hayes and Harlington (John McDonnell) and the right hon. Members for Oxford, East (Mr. Smith) and for Makerfield (Mr. McCartney), all of whom have been involved in the trade union movement.

The starting point of the speech by the hon. Member for Edinburgh, North and Leith was that the minimum wage has been a success—I think that that is right; it has been a success, despite great scepticism when it was introduced. I own up to being one of those who was somewhat sceptical about how it would work, but it has worked well because it is well designed and because it is supported by the independent Low Pay Commission. For that reason, certainly in the eight years for which I have been my party's spokesman on Trade and Industry and then Treasury matters, I have been happy to support the national minimum wage and the upgrades to it.

We can see the products of the minimum wage's success at several levels. One, although I know that the hon. Member for Linlithgow and East Falkirk is sceptical about it, is the clear evidence that for people at national minimum wage level there has been a much more substantial increase in earnings in the past eight years; I think the figure is 53 per cent. as against 40 per cent. with respect to average earnings. The differential, therefore, between people at the bottom and people in the middle has narrowed. Of course, there is the problem of the people at the top, but that is an argument for another day. Large numbers of workers are now less dependent on benefits—they earn a decent income, or at least a survivable one, based on their own labour. It has also been important—this was the issue on which much of the scepticism centred—that unemployment has not been a consequence of the minimum wage, as it was with badly designed systems in, for example, France. All those elements make a successful policy.

The debate, however, is about enforcement, and it is important to set out why an effective enforcement regime is important—it is obviously important for the workers concerned. The hon. Member for Edinburgh, North and Leith has mentioned that £27 million has been retrieved for workers who were being cheated out of their wages. The problem is increasing: as I understand the Government's figures, the arrears on minimum wage cases now average £214 in the past financial year, as against £130 in the previous year. A lot of money is at stake for the people concerned.

Enforcement is also important for employers. We tend to forget that large numbers of employers, however reluctantly, comply with the law, and there is nothing worse than a competitor down the road who is cheating. It is for their sake, as well as for the workers', that we need an effective enforcement regime.

Mr. McCartney: That is an important factor in relation to compliance; businesses, small or otherwise, who have to compete in an open market do not want to be undercut by another employer either on wages or other conditions. That is why compliance is an issue not only for employees, but for maintaining the support of the employers who comply.

Dr. Cable: That is my point, which the right hon. Gentleman has made trenchantly and correctly.

Compliance is also of importance to the Government because, as the right hon. Member for Oxford, East has hinted, if many companies are not willing to comply with the law, including criminal sanctions on the minimum wage, they are probably not complying on many other matters. He has mentioned health and safety regulation in particular, but that applies to paying tax and complying with immigration rules. I understand that there is now an integrated enforcement system involving the former Department of Trade and Industry, Customs and Inland

[Dr. Cable]

Revenue, and I should like to know whether there is a systematic way of looking at companies that are flagrantly in breach in terms of their overall compliance with the law. Is information pooled between Government agencies? It would be a much more effective deterrent to companies than a £200 fine, however necessary that is, to know that Government agencies will come down on them like a ton of bricks regarding their other obligations—in particular, tax. How effectively do agencies co-ordinate regarding companies that do not comply?

On enforcement, I want to ask about a particular issue. My hon. Friend the Member for Brent, East (Sarah Teather) has obtained information on the number of closed cases in which non-compliant companies had arrears. I think that the number was more than 14,000 cases for 2006-07, of which only three cases have been prosecuted. No cases have been prosecuted since the new system of inter-agency co-ordination was introduced in 2006. Why have there been only three prosecutions? It could be because the system is so brilliantly successful that the authorities have no need to enforce prosecutions, as everything has been done happily and voluntarily, but I suspect that there is a reluctance to bring prosecutions. Why have so few prosecutions ever been taken to the final stage?

The right hon. Member for Makerfield has said that the Government are coming forward with new powers under a Bill. We should discuss some of the ideas in that package, most of which seem very sensible. They include the proposed £200 statutory fine per worker for abuses of the regulation—that is a civil penalty—and a proposal, which has not been discussed yet, that workers who have lost their minimum wage entitlement should be compensated at current, and not historical, pay rates, which would make a substantial difference.

Another proposal from the right hon. Member for Makerfield, which the Government have not accepted, is that compensation should be paid. There has been some discussion about whether there should be interest payments on arrears, because otherwise employers are effectively obtaining interest-free loans from their workers. The trade union side has proposed that interest should be paid, which seems right in principle, and I am not sure why the Government are reluctant to accept that. I know that we are in a consultation process, but will the Minister say a little more on why the Government are so reluctant to go down that road?

My final point on enforcement illustrates some of the difficulties. I saw from a table that the Government produced in response to a parliamentary question that the number of enforcement officers in Wales is eight, which is the number in Northern Ireland, whereas the number for the whole of London is nine. There are seven times as many people in London, which also has a concentration of ethnic minority employees and employers, and it is unclear how the allocation of enforcement officers is decided. Is it decided by accident, or as a result of the difficulties of recruiting people in London? Perhaps the Government should focus on how effectively to allocate the scarce resources at their disposal to ensure that people who are deprived of the minimum wage can claim it.

3.34 pm

Mr. David Gauke (South-West Hertfordshire) (Con): It is a great pleasure to have you in the Chair, Dr. McCrea. I think that you also participated in the last debate that I attended in Westminster Hall, on HMRC matters. It is a pleasure to congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing the debate, which has been useful and passionate at times, and which has helped to flush out one or two important issues.

Several hon. Members have mentioned the position of the Conservative party. We have supported the principle of the minimum wage for eight years, and the concerns that we had before its introduction were widely held. Indeed, the hon. Member for Twickenham (Dr. Cable) expressed some scepticism, as he has said. We were concerned that a minimum wage set at a high level would endanger jobs. It is difficult to argue against the proposition that the minimum wage endangers jobs at some point, but the independent Low Pay Commission has been successful in balancing those dangers against the ability to increase pay for low-paid workers.

The hon. Member for Linlithgow and East Falkirk (Michael Connarty) argued for a substantial increase in the minimum wage. If he were still in his seat, I would suggest to him that there would be difficulties in doing that. None the less, recognising the principle behind the minimum wage, the fact that the legislation exists is, in itself, a reason why it should be enforced. People should abide by the law as a matter of course, but it does benefit employees whose wages have increased.

I am pleased that the hon. Member for Twickenham raised an issue that I was going to raise. Enforcement and compliance with the law are important for employers who abide by the law, who would be undercut and faced with unfair competition if rogue employers were flouting the law and were therefore able to undercut those other employers. That is an important issue. The Conservatives support calls for effective enforcement of the existing national minimum wage.

We have heard that there have been few prosecutions regarding the national minimum wage. I expect that the Minister will say, by way of explanation, that when employers are found not to have complied with the national minimum wage, they rectify the position and pay money in arrears, so there is no need for prosecution. Today is not the day to debate the detail of the Employment Bill, which the hon. Member for Hayes and Harlington (John McDonnell) has mentioned. The Minister and I have just spent the best part of two days debating HMRC's powers more generally and we have not finished yet, so I do not want to go through a detailed analysis of the proposals that might be in the Employment Bill. However, I ask the Minister to consider whether the low number of prosecutions is in any way due to HMRC's lack of power to enforce the national minimum wage.

There are other indications that there might be problems. We have heard about the level of arrears, and we have statistics from the Office for National Statistics on the number of people who are not receiving the national minimum wage. To what extent does the Minister think that the absence of adequate powers at HMRC has caused the problem? Has it been more to do with HMRC's resources?

I shall not speak at length about the problems that HMRC faces—we debate them fairly regularly—but clearly there are issues of low morale in HMRC. It faces very challenging budgets and, as a whole, it is suffering from a tightening of the belt. We heard reference to the increased expenditure announced in the 2006 pre-Budget report for tackling failure to comply with the national minimum wage, but to what extent has that aspect of HMRC's expenditure been immune from any Gershon savings, or is it not possible to analyse it in that way? To what extent has the expenditure been ring-fenced, and have the pressures that undoubtedly have been felt in HMRC in general also been felt with regard to enforcing the national minimum wage?

We should not consider the HMRC issue in isolation. Whether in this Room or elsewhere, we have debated VAT repayments, tax credits and other important issues, in respect of which there is serious concern about HMRC's performance. One reason why I am grateful to the hon. Member for Edinburgh, North and Leith is that he has highlighted this issue as needing to be addressed.

I seek from the Minister more information on the difficulties in enforcing the minimum wage. For example, have any particular groups been affected? Other hon. Members mentioned migrant workers. Anecdotally, we often hear about eastern Europeans doing agricultural work who are being exploited. My hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) would not want me to highlight eastern European migrant workers in particular. I am referring to migrant workers from throughout the world. Are particular sectors, locations or migrant groups especially affected?

I would be grateful if the Minister touched on an issue that "Panorama" highlighted—accommodation or transport costs being deducted from the wages of migrant workers in particular. The employers are apparently complying with the national minimum wage, but in reality what ends up in the pockets of the workers is substantially below it. Can the Minister provide guidance on that?

I return to the rate of the national minimum wage. As I have said, the Low Pay Commission has worked well, partly because of its independence. It takes representations and then makes an assessment of the level of the minimum wage. However, we saw in the debate about the 10p rate of income tax that one proposal that was clearly considered by the Government was using the minimum wage as a way of trying to compensate those who had lost out as a consequence of the Government's policy. That would appear to be an interference with the way in which the Low Pay Commission works. It would appear to be the Government setting the agenda or giving instructions to the commission, which would be a departure from previous practice.

I cannot help but observe that the trade unions, entirely understandably—this is part of their role—are very strong in calling for substantial increases in the national minimum wage, and the influence of the trade unions on the Labour Government appears to be increasing. I think that 92 per cent. of the funding for the Labour party now comes from trade unions. Therefore, to respond to demands from the trade unions, will the Government put pressure on the Low Pay Commission to increase the national minimum wage above the level that would otherwise be determined?

Mr. David Hamilton: I was getting a bit lost at the end of the hon. Gentleman's argument. Can he provide clarification? Is his party committed to continuing the above-inflation increases—minimum wage though it is—that the Government are putting forward? Is his party in favour of that, or is it moving towards a position from which that will be taken away?

Mr. Gauke: We have no particular desire to change the system. We believe that, over 10 years, the Low Pay Commission has acted in a responsible manner that has not endangered jobs and has benefited low-paid workers. We have no particular desire to change that. I am merely pressing the Government on whether there will be any change in their policy—today of all days, the Government are listening to their Back Benchers—whether it be with regard to the Employment Bill or a range of other matters. I would be grateful if the Minister responded on that point. To conclude, enforcement is important. Particularly at a time of rising fuel bills, food bills and taxes, the national minimum wage should be enforced properly.

3.45 pm

The Financial Secretary to the Treasury (Jane Kennedy): It is a pleasure to serve under your chairmanship, Dr. McCrea. I do recall the occasion on which we were discussing issues close to your heart. I am sure that we will return to those—perhaps not in an Adjournment debate but certainly in other exchanges.

I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on securing the debate; I genuinely mean that. I agree that it is a very important debate. I have been studying with a lot of interest the answers that I have been invited to give to questions, and asking of HMRC many of the questions that have been asked in this Chamber today. Before I give detailed responses to the questions that I have been asked, I just want to say that although my hon. Friend the Member for Telford (David Wright) sits silently through hours of debate in proceedings on the Finance Bill, he did say that he had had a discussion with our hon. Friend the Member for Dudley, North (Mr. Austin) about low pay and the national minimum wage and they recalled an advert from the *Express & Star*, which I understand is a newspaper that is widely read in the midlands. The advert, from the early 1990s, was for a security guard and it said:

> "It's £2 an hour and bring your own dog."

I make that point to show how far we have come since employment conditions were of that nature.

I endorse everything that was said about the role that my right hon. Friend the Member for Makerfield (Mr. McCartney) played in taking the National Minimum Wage Bill through the House of Commons. My right hon. Friend the Member for Oxford, East (Mr. Smith) also played a role, as indeed we all did in bringing in that legislation. I have been in politics a long time and I recall when I was a member of the National Union of Public Employees and we and the Union of Shop, Distributive and Allied Workers were in splendid isolation in the TUC in support of a national minimum wage, so from the early 1980s onwards this cause has been dear to my heart. I am delighted that we are here today,

[Jane Kennedy]

asking questions. I am rightly being scrutinised about the implementation and enforcement of this very important measure.

The national minimum wage benefits millions of workers, as has been said. The increase in the rates every year benefits more than 1 million people, who see their pay increase as a direct result of the increase in the national minimum wage. I am pleased, but not surprised, that despite the dire predictions of 10 years ago, the minimum wage has become an accepted feature of our labour market and is supported by the majority of employers. That is a welcome sea change in attitude.

Of course, the success of the minimum wage is not just about the fact of it or its level; it depends largely on effective enforcement, as non-compliance undermines its objective—a point that the hon. Members for Twickenham (Dr. Cable) and for South-West Hertfordshire (Mr. Gauke) reinforced. The objective of the minimum wage is to enable workers to see real benefits from their labour in their wage packets. That is why we introduced it, and it is important, therefore, that compliance be policed effectively and non-compliance dealt with rigorously.

Since the national minimum wage was introduced in 1999, HMRC has identified more than 4,000 employers, and compliance teams found compliance in only 1,649 of those cases. I beg your pardon, Dr. McCrea, that was wrong; I shall put it right for the record. HMRC has identified more than £30 million in wage arrears since 1999. Last year alone, more than 4,000 employers were looked at. I am glad that I spotted my mistake; it was a major understatement of HMRC's work. HMRC found non-compliance in 1,649 of those cases, which represents nearly £3.9 million in arrears for more than 19,000 workers. HMRC is identifying non-compliance and punishing it, but I realise that there is more to do. That is why the funding available for enforcement has been increased. My hon. Friend the Member for North-West Leicestershire (David Taylor), who is not in his place—I see that he is speaking in the main Chamber—spoke of the 50 per cent. increase in resources over four years.

It is important that I outline HMRC's approach to enforcement and respond to a number of issues raised during the debate. We have heard that enforcement is based on 16 regional compliance teams. There is also a helpline, based in the north-east, that workers or third parties can call. Employers who might not be paying the minimum wage are generally identified through complaints to the helpline or through risk assessments. Last year, the helpline received more than 46,000 calls, of which more than 2,800 were complaints about possible underpayment.

The compliance teams have a range of strategies for dealing with enforcement. They also use an approach of targeted enforcement, focusing on sectors in which non-compliance is likely. I was asked to illustrate what sectors they might be. It is not only migrant workers who are exploited; other sectors, too, are at a high risk. In recent years, they have included hairdressing—we keep returning to that—child care and the hotel sector. HMRC will raise awareness in those sectors by providing information to workers and ensuring that employers know what they should do to comply. HMRC also investigates a number of employers from the chosen sector in order to check that the risk assessment remains appropriate.

My hon. Friend the Member for Edinburgh, North and Leith asked why it takes so long to pursue cases and whether that is caused by a lack of resources. I asked HMRC whether the resources that it applies to enforcement are sufficient, and I was advised that they are. The way in which HMRC allocates resources for national minimum wage enforcement is constantly kept under review.

Mark Lazarowicz: I am sure that that is what my right hon. Friend has been told. All that I can say is that my constituent was told by the person to whom she spoke that there was big backlog. Perhaps that member of staff had a particular problem, but from what I have picked up anecdotally I suspect that it was not a one-off case. There is evidence of a heavy work load, and I ask my right hon. Friend to look again at ways of assessing whether the resources are equal to the work load and to the demand for the service.

Jane Kennedy: One of the benefits of debates such as this is that I can assure the House that I shall test the advice that I have been given. I undertake to do so.

We heard that in the 2006 pre-Budget report the then Chancellor, now my right hon. Friend the Prime Minister, announced an increase of £2.9 million a year for enforcement. The focus of HMRC's campaigns is raising awareness of the national minimum wage and the current rates in order to ensure that workers and employers know where to go for advice or to make a complaint about possible non-payment. An outreach bus has visited more than 60 locations over nine weeks. It reached more than 700,000 workers directly, and the outreach team handed out more than 130,000 leaflets and spoke to almost 90,000 people. The outreach bus route was planned to enable HMRC to reach as many of those who needed to know about the minimum wage as it could, based on what it knows about the areas of risk. Calls to the helpline that required translation increased during that campaign by more than 400 per cent.

Mr. Russell Brown (Dumfries and Galloway) (Lab): The Minister has partly answered my question. From reports, the outreach service was met more favourably in some localities than others. Was that generation of additional work so significant that the Department believes that it would be a good idea to repeat the process?

Jane Kennedy: HMRC regards its awareness-raising role as a significant part of enforcing the national minimum wage.

I want to share with the House an important part of the National Association of Citizens Advice Bureaux report entitled "Rooting out the Rogues", which was published on 30 November. Hon. Members may be aware of it. NACAB said:

"we have repeatedly suggested that there needs to be an alternative way of tackling the exploitation of vulnerable workers by unscrupulous or 'rogue' employers—one that does not rely on individual workers entering into a stressful, costly and potentially damaging legal confrontation with their employer".

It went on to state:

"we have argued that the more proactive enforcement regime associated with the National Minimum Wage—one based on carefully targeted inspections of suspect employers by HMRC, as well as on the investigation of individual, anonymous and third party complaints—should be extended to cover all basic statutory workplace rights."

We established our largely inspection-based approach precisely because we did not want workers to have to rely on the approach referred to—doing exactly what the constituent of my hon. Friend the Member for Edinburgh, North and Leith did, and putting themselves at risk by taking action against the employer. I was pleased to see NACAB's endorsement of our approach.

There is never enough time, Dr. McCrea, in debates of this nature to deal with all the points that hon. Members raise. There are well over 1 million employers in the UK. One can see from the figures that the vast majority comply, seeking to treat their employees fairly and properly. Changing HMRC's risk-based approach to one in which it regularly visits each employer—as suggested by my hon. Friend the Member for Luton, North (Kelvin Hopkins)—would divert resources away from those most likely to be non-compliant. HMRC is right to believe that that would not be an effective method of improving minimum wage enforcement.

My right hon. Friend the Member for Makerfield and the hon. Member for Twickenham asked about HMRC's dedicated enforcement teams. Those teams work closely with their tax, national insurance, VAT and Customs colleagues. Information is appropriately shared, given the debate about protection of information, but when necessary, it is shared. Indeed, a number of risk-assessed cases are initially identified by other staff in HMRC—for instance, by those involved in pay-as-you-earn taxation or tax credit information.

I am running out of time, Dr. McCrae, and there are many other points that I wish to address. With permission, I shall do so in writing. On occasion, we are in danger of talking down the success of the national minimum wage and the good work done by HMRC. I commend the officers of HMRC, who take their enforcement role seriously and take their work forward very thoroughly.

Tattooing and Skin Piercing

4 pm

Mrs. Madeleine Moon (Bridgend) (Lab): The number of people undertaking a tattoo or body piercing is increasing year on year. Ears, tongues, lips, eyebrows, navels and sexual organs are now routinely pierced. More extreme body modifications, such as the creation of patterned scars and the insertion of items such as ball bearings under skin, are also taking place.

High standards of cleanliness and disease control are of the utmost importance in piercing and tattooing. One mistake can have consequences both severe and permanent. Blood-borne infections, such as HIV and the more dangerous hepatitis B and C, pain, severe scarring and even death can result. Many working in the industry are increasingly concerned that legislation and regulation have not evolved to cover the ethical and medical problems that need to be addressed.

In preparation for this debate, discussions have taken place with a range of local authorities in England and Wales, with professional tattooists and piercers and with Professor Noah at the department of epidemiology and population health at the London School of Hygiene and Tropical Medicine, all of whom want the industry to be better regulated to protect the public as well as the livelihoods and reputations of professional tattooists and body piercers. I was asked initially to look into the need for improved regulation and standards in the field by the union GMB, whose members include a small group of tattooists and piercers. I was joined in carrying out research among local authorities by my hon. Friend the Member for Northampton, North (Ms Keeble), whose support and interest in the issue I wish to put on record.

Local authorities outside London have powers to regulate acupuncturists and businesses providing tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003. The legislation provides for the registration of practitioners and premises and the observance of byelaws relating to the hygiene and cleanliness of the practitioner, premises and equipment used.

In September 2007, the Department of Health issued a combined set of model byelaws for local authorities covering cosmetic piercing and semi-permanent skin colouring businesses. However, the speed at which changes take place in the industry means that as soon as I began my research, the vast majority of local authorities to which I spoke called for greater strength and scope in the model byelaws. Although local authorities acknowledge that they can develop individual interpretations of the model byelaws and their own unique way of doing things, and although I found some truly excellent practice with very high standards, in other areas such standards were not in place. The result is a postcode lottery of public protection. Similar comments were made about byelaws issued by the devolved Administrations.

Most local authorities have some system of registering tattooing and piercing businesses. The exact nature of that system varies from area to area. There is no nationally agreed standard for inspection. Consequently, some authorities carry out tougher inspection and licensing

[Mrs. Madeleine Moon]

regimes than others. For example, Cardiff city council's licensing system involves prior operating approval before a licence is granted. Then, depending on their assessed risk rating, premises receive a proactive inspection under the provisions of the Health and Safety at Work, etc. Act 1974. Premises receive an annual re-licensing and health and safety visit, but other authorities have much simpler registration systems with no conditions attached other than compliance with byelaws.

Common consensus agrees that the guidance in the model byelaws is not detailed enough. More precise guidance was called for to cover types and storage of equipment, the use of disinfectants and anaesthetics, age limits, consent forms and aftercare advice. Those involved in piercing sexual organs are unable to provide anaesthetics. I am advised by Professor Noah that surface applied anaesthetics that freeze the area are more likely to cause pain than to prevent it. The risk of infection after piercing increases with moisture, friction or lower levels of cleanliness, all of which apply to intimate body parts.

There are calls for clarity about sterilisation equipment and which chemicals should be used to clean premises. Many call for needles to be single use only and for autoclaves to be made compulsory. I was advised by Professor Noah that, despite the wide range of chemicals available, using bleach to clean studios and 70 per cent. alcohol to clean piercings or tattoos, as well as basic hand washing by practitioners, should be standard requirements.

Given the popularity of tattooing and piercing, there is a worrying lack of public awareness of the potential risks involved in those procedures. Practitioners have no legal obligation to advise people of possible risks or side effects, check medical histories or give appropriate advice on aftercare. Scarring after infection of a pierced area can be dramatic.

The hon. Member for Sheffield, Heeley (Meg Munn) has worked with Dan Aid on the issue of checking medical histories. Christina Anderson, an inspiring woman, set up Dan Aid after her son Daniel died of septicaemia after having a lip piercing at age 17. Daniel had a severe heart condition that put him at increased risk of developing complications. He was not told of the risks and therefore denied the opportunity for informed consent.

To protect both practitioners and clients, before every tattoo or piercing, the piercer or tattoo artist should take the time to sit down with the client and run through a detailed checklist covering medical history and potential infection risks. The client should be required to sign confirmation that they have been given advice and a leaflet with advice about aftercare. The process would help to protect clients and practitioners because, when a piercing becomes infected, people often complain but do not remember being given aftercare advice. Records should be kept of the procedures carried out and the advice provided. Aftercare advice is important to avoid bacterial infection, especially in the cartilage in the ear, which is difficult to treat with antibiotics. Simple advice about not removing scabs or using 5 per cent. alcohol solutions as disinfectant is needed, as wetting wounds with 5 per cent. alcohol increases the chances of infection.

We do not ask our doctors and nurses for their qualifications when they treat us; we take it for granted that they cannot practise without the qualifications and skills needed. Yet those who carry out tattooing and body piercing do so without needing a minimum qualification. When a tattooing or piercing business is registered, inspections are made of the equipment and the standard of the premises, but there is no way to assess practitioners' competence. That is worrying, because the growth in popularity of tattooing and piercing and the more extreme piercings and so-called body modifications means that more untrained and inexperienced people are entering a trade where high profits can be made, especially from more extreme piercing and body modifications.

At the inquest for her son Daniel, Christina Anderson was informed that in having his lip pierced, he had had a minor operation. People are unknowingly submitting themselves to minor operations, sometimes in back rooms, and local authorities have no idea whether a practitioner is competent to carry out such procedures. All piercings are regulated in the same way; at the moment, there is no gradation of piercing. Anyone who pierces ears can pierce anywhere else on the body.

Opinions vary as to the best method of ensuring that people are adequately qualified. Consultation is needed, but options include a recognised college course of one or two years or apprenticeship for a similar period. Both those methods of training would need to include aspects of anatomy, hygiene, disease control, the operation of equipment, health care and significant practical components.

There is no statutory age limit for piercing, and intimate piercings can be carried out at any age. Under sexual offences legislation, genital, navel or nipple piercings on someone under 16 might be regarded as indecent assault, but I found no evidence of prosecutions. We know that such piercings have taken place without parental consent or involvement, some of which have become infected and needed serious medical intervention to protect the life of the young person. I fear, therefore, that there is a lack of protection for minors. Local authorities have complained that, in reality, the most that they can do is revoke the licence of a person who has carried out such a piercing. Tattooing a butterfly on to the arm of a 13-year-old is illegal, but piercing the same person in a genital area is not. That cannot be right. It is time for us to set legally enforceable age limits on any piercing other than of the earlobe.

So far, I have talked about tattooing and piercing parlours, but home-based piercing and tattooing is an emerging problem. The sale of equipment over the internet to unregistered persons and premises is fuelling this problem, as increasing profits are to be made. I am advised that social networking sites carry contacts for unregistered tattooists and piercers selling their services, and legislation is needed to bring such home-based practitioners into the registration system. It is incredible to think so, but home-based piercing parties take place in some communities involving people with no training, qualifications or skills.

Both practitioners and regulators have called for stronger, clearer, more detailed and more precise guidance and byelaws, and many experts and professionals would be more than happy to engage with the process. I understand that Graham Martin and the Tattooing and

Piercing Industry Union's working group have already done much of the necessary work and produced their own model byelaws based on modifications of the Scottish Parliament's model. That would enable best practice to be rolled out across the UK and provide valuable support to environmental health departments that already do so much good work ensuring public safety.

A national system of licensing is required. Byelaws should specify which type of equipment is acceptable for use and give advice on chemicals and local anaesthetics. They should also include an obligation to ascertain the age and medical history, a consent form and information and obtain on the potential risks associated with any procedures and give accurate aftercare advice. As already stated, such changes could be potentially life saving.

I have commented already on the need for qualifications for those carrying out such interventions. An age limit must be introduced for body piercing with the more intimate and extreme piercings reserved for over-18s, which would give local authorities greater power to protect minors. Everyone would benefit from tightening regulation in this area. The public would be protected as would the excellent and reputable tattoo artists and body piercers who want to see their industry and their livelihoods protected.

I am aware that Professor Noah, and some of his colleagues from the Health Protection Agency, have produced a paper on the hazards of body piercing, based on a survey, which will be published in the *British Medical Journal* very soon. I urge my hon. Friend the Minister to ensure that that is read and considered by the Department of Health so that we can begin to move forward and provide the level of protection so urgently required for those individuals. Many of us in this House might not understand the motivation for wanting some of the more extreme body piercings and tattoos, but in undertaking such practices, people should be protected by the law as are those going into hospital for minor surgery.

4.14 pm

The Minister of State, Department of Health (Mr. Ben Bradshaw): I congratulate my hon. Friend the Member for Bridgend (Mrs. Moon) on her success in securing this debate and apologise for the fact that I am substituting for the Minister with responsibility for public health, my right hon. Friend the Member for Bristol, South (Dawn Primarolo), who is detained by her responsibilities during the Committee stage of the Human Fertilisation and Embryology Bill. I am also grateful to my hon. Friend for setting out her views on the dangers of tattooing and other types of skin piercing, and on the regulatory framework. As she indicated, tattooing or skin piercing carried out incorrectly and in an unhygienic manner can result in a variety of problems, such as local wound infections or serious blood-borne viral infections such as hepatitis B, hepatitis C or even HIV. However, most complications are minor and self-limiting, such as local, minor wound infections that might not be caused by the piercing procedure itself.

As far as we know, serious complications are uncommon according to peer-reviewed literature, but none the less it is important that we have measures in place to ensure public protection, as my hon. Friend said. We have a legislative framework in place and, under the Local Government (Miscellaneous Provisions) Act 1982, local authorities have powers to regulate the practice not only of piercing, but acupuncture, tattooing and other cosmetic activities. In 2003, we strengthened the Act by giving local authorities powers to regulate body piercing and semi-permanent skin-colouring businesses. That legislation provides for local authorities to require the registration of practitioners and premises offering such services, and to introduce local byelaws relating to hygiene and cleanliness.

Local authorities inspect businesses under that legislation, usually based on a local risk assessment, and it is an offence to provide these services without being registered with the local authority or to breach local byelaws. As my hon. Friend will know, in London, the legislative framework is different in that local authorities have chosen to use private legislation to regulate businesses by licensing and inspection. Under licensing provisions in London, local authorities may set conditions under which a licence is granted to cosmetic body-piercing businesses. Again, offences are connected with non-compliance.

In addition, local authorities can use general enforcement powers under health and safety at work legislation, which provides useful flexibility and added protection for the public. That legislation enables local authorities to use improvement and prohibition notices, and ultimately to prosecute cosmetic body piercing businesses, if they judge that there is a risk to customers' health and safety. Health and safety at work legislation will also apply to other procedures such as scarification and beading.

All that legislation of course applies to people offering tattooing and skin piercing for gain from their homes, not just in commercial premises. In 2007, the Department published an updated model byelaw, which has been well received by local authorities according to the feedback received. For example, Mid Sussex district council recently introduced updated model byelaws provided by the Department to assist local authorities, and stated:

> "The new byelaws are good news for the people of Mid Sussex because they give environmental health officers the powers they need to protect public health."

We have not received representations from local authorities or practitioners about the effectiveness of the current legislative framework.

My hon. Friend suggested that the byelaws should be more detailed, but they do provide a framework for hygienic practice, and we believe that details of hygienic practice and other matters are better covered in guidance by the Health and Safety Executive on enforcement in respect of skin-piercing activities. The guidance covers the issues that she raised, such as pre-consultation with the client, infection control, cleaning, disinfection and sterilisation, aftercare advice, anaesthetics and enforcement.

As my hon. Friend mentioned, the Department has funded new research by the HPA, which has investigated the prevalence and types of body piercing in those aged 16 and over in England and has estimated the proportion of piercings that result in health complications and the proportion of piercings that result in professional help and advice being sought. As she rightly said, that report is due to be published this Friday. However, after she secured this debate, I asked to see some of its draft findings, and without pre-empting too many of its conclusions, I thought that I would give her a foretaste, given her interest in the matter.

[Mr. Ben Bradshaw]

Some of the findings are interesting. The prevalence of cosmetic body piercing, excluding earlobes, but including the upper ear cartilage, in adults aged 16 and over is 10 per cent. Body piercing was more common among women than men and among younger age groups. Nearly half the women aged between 16 and 24 who were surveyed reported having had piercings. Some 33 per cent. of piercings were at the navel, followed by 19 per cent. at the nose, 13 per cent. at the ear, 9 per cent. at the tongue, 9 per cent. at the nipple, 8 per cent. at the eyebrow, 4 per cent. at the lip, 2 per cent. at the genitals and 3 per cent. at some other part of the body.

My hon. Friend may also be interested to know that the anatomical sites used for piercings varied by gender. Among women, the most common piercings were, in order, of the navel, the nose, the ear, the tongue, the eyebrow, the nipple and the lip. Among men, they were the nipple, the eyebrow, the ear, the tongue, the nose, the lip and the genitals. Thus, nipple piercing was the most popular among men but one of the least popular among women, and navel piercing was by far the most popular among women, accounting for more than a third of piercings, and much rarer among men. Some of the findings surprised me, and I am sure that they will surprise a lot of hon. Members and members of the public who, like me, are not au fait with the world of body piercing. "Ouch", I said to myself as I read through a lot of that list.

My hon. Friend will also be interested to know that, overall, about 25 per cent. of those pierced reported complications. Among those aged 16 to 24, about 30 per cent. reported complications with piercings and 15 per cent. sought professional help, for example from pharmacists, piercers themselves or GPs. Piercing was much more common in that age group and more likely to have been done in recent years. The most common complications were local infections and bleeding, but serious complications requiring a hospital admission, for example, were extremely rare, at less than 1 per cent. We believe that the research will show that we probably need to do more work to determine the risk of complications and how best they may be avoided.

My hon. Friend expressed her concern about the fact that children can have body piercing done without parental consent, both from the point of view of whether it is appropriate and because of the possible health risks. I emphasise to her that Government policy on the age of consent is the responsibility of the Ministry of Justice, but she will know that the tattooing of minors is controlled by specific legislation. We think that that is appropriate, because of the permanent skin alteration that it involves. However, the piercing of ears and other parts of the body for decorative or cosmetic purposes is lawful. We have taken that judgment because we believe that cosmetic piercing is usually naturally reversible if jewellery is permanently removed from the piercing. There is no statutory minimum age of consent for body piercing or ear piercing. Minors can give valid consent if they are capable of understanding the nature of the act to be carried out. The degree of competence that can be exercised by children depends on the relative maturity of the child concerned as well as upon his or her age.

I understand that some parents feel concerned when their children have body piercing done without their consent. As with many such matters, a lot of the issues involved should be resolved within the family. However, I am advised that it is generally considered good practice by local authorities and by the industry for cosmetic piercing not to be carried out on minors without parental consent. If local authorities receive complaints from parents that that has been done by a particular practitioner, it is open to them to take action using their existing powers. The Health and Safety Executive guidance includes advice on encouraging businesses to adopt a reasonable approach to age of consent issues. Taking a reasonable stance on the age of consent avoids conflict with parents and enhances the reputation of the business. I would helpfully suggest that it also ensures that a business does not run into difficulties with the local authority, which has the responsibilities that I have described.

I am aware that this is a sensitive matter that concerns parents. However, we are concerned that if we introduced a statutory minimum age of consent, we could end up increasing the health risks of cosmetic piercing. Children might be tempted to try to pierce themselves or each other in an unsafe or unhygienic way, or to go to disreputable practitioners. We receive occasional representations on the subject and, as on all matters, keep our policy position under review.

I reassure my hon. Friend that we have a robust legislative framework that provides for local regulation of tattooing and skin piercing businesses. Centrally, the Department assists by providing model byelaws that local authorities can use.

Mrs. Moon: My hon. Friend the Minister has not addressed the issue of qualifications and competency to practice. Will he comment on that in the remaining few minutes and suggest whether the Department has any concerns about it?

Mr. Bradshaw: We are aware of the concerns, and although there are currently no formally recognised qualifications or training courses for body piercing, that is partly because the Government-funded project to develop such standards, of which my hon. Friend may be aware, ended prematurely because of opposition from the industry. We believe that it could have led to the development of formal qualifications.

We believe that progress can most quickly and effectively be made by practitioners, their organisations, industry bodies, training bodies and enforcement authorities working together to agree on suitable standards of good practice and competency. That is the best way forward, rather than our imposing statutory training requirements on the industry.

As I have explained, we recognise that there is concern about the lack of a statutory age of consent for cosmetic piercing, about some of the training standards and about how some local authorities are using our new model byelaws. We keep those matters under careful review and consideration, but we are not persuaded that a statutory age of consent would help. Our concern is that it might have the opposite effect.

Treasury Aims (Quality of Life)

4.26 pm

Jo Swinson (East Dunbartonshire) (LD): I am delighted to introduce the debate.

I have a vivid memory of one of the first economics lectures that I attended during my time at the London School of Economics. The lecturer, the excellent Morris Perlman, who is sadly no longer with us, made clear to the undergraduates right at the beginning the distinction between money and wealth. "Money is pieces of paper or numbers", he said, "but the wealth that you have is the sum of all the things that you value—both the things with a monetary value attached, like your home and possessions, and the things without a price tag, such as relationships, a feeling of security and your health."

It is not just economists. Philosophers, too, contribute to the debate about what we really value. Earlier this year, A. C. Grayling said:

"Happiness is the measure of true wealth".

I shall explore how we can measure that wider definition of the nation's wealth and the implications that it has for policy making. I shall argue that levels of happiness are important, useful and integral to the concept of quality of life, as other Governments around the world, and even Departments other than the Treasury, acknowledge. I shall argue that happiness can be measured reliably and robustly and that the Treasury can and should do practical things to improve the nation's happiness and quality of life.

The Treasury's stated aim is:

"To raise the rate of sustainable growth, and achieve rising prosperity and a better quality of life, with economic and employment opportunities for all."

I commend the Treasury for including a better quality of life in its aim, but I question whether that is taken as seriously as the growth and prosperity aims. Without quality of life being taken into consideration, growth is meaningless. Gross domestic product grows after natural disasters or oil spills, as the clean-up operation is costly, but it obviously does not follow that such events are desirable. If GDP growth comes as a result of our working longer hours, we may find our quality of life negatively affected. A Department of Trade and Industry study in 2004 found that 87 per cent. of employees said that they would like to spend more time with friends and family. If some of those employees were to cut their working hours to see their family more, GDP would fall. Would that be a bad thing, if that decision enhanced their quality of life?

Research clearly shows that our quality of life is not getting better. The world values survey tells us that, if anything, we as a nation are less happy now than we were in the early 1980s. We can go back further using polling evidence from Gallup, which shows that despite increases in GDP, we are less happy even than in the 1950s. Back in 1968, the late Robert Kennedy said in a famous speech:

"There is more to life than GDP."

The debate about the best way for societies to measure progress has continued ever since. The blinkered pursuit of GDP growth on its own can lead to perverse decisions. We should recognise the limitations of pursuing GDP growth and introduce other measures to capture quality of life.

This idea is gaining momentum. Last week, Ipsos MORI dedicated its summer conference to the subject, under the title, "Who's Happy Now?" Governments around the world are looking seriously at going beyond GDP, and not just the Government in Bhutan. Earlier this year the French President, Nicolas Sarkozy, commissioned two eminent economists, Joseph Stiglitz and Amartya Sen, to develop alternative measures of progress to GDP that would better reflect people's well-being. Forty-eight Members from both sides of the House have signed my early-day motion 731, acknowledging static levels of happiness and the need for the Government to measure and address that. The British public agree. In 2006, a BBC-commissioned GfK NOP poll found that 81 per cent. of the British public think that the Government's prime objective should be happiness and not wealth.

As I have mentioned, other Departments are also addressing this issue. In 2002, the Cabinet Office commissioned a paper on the subject, "Life Satisfaction: the state of knowledge and implications for government". Although it was not a statement of policy, the paper declared that:

"There is a case for state intervention to boost life satisfaction due mainly to evidence of direct impacts on life satisfaction of government activities, together with strong evidence of the dependence of individuals' wellbeing on the actions of others."

The paper suggested a range of actions that the Government could take, including at the top of the list:

"the use of life satisfaction data to construct quality of life indices".

Following the 2007 UNICEF study of 20 developed nations, in which children in the UK ranked lowest in terms of happiness and well-being, the Department for Children, Schools and Families has introduced "SEAL classes", or so-called "happiness lessons", in schools. The Department for Communities and Local Government has included subjective well-being measures in its new 2008 national indicators set, which will be used by local authorities to keep track of progress. It is also supporting the Local Wellbeing Project, which is being conducted by the Young Foundation to test practical interventions to improve people's happiness in three local authority areas in the UK. The Department for Environment, Food and Rural Affairs has started to measure "life satisfaction" as part of its sustainable development indicators, and it has commissioned a sizeable body of research that highlights ways in which Government action could impact on happiness.

I very much welcome these moves. Many Departments are beginning to take the issue seriously. However, to bring all those activities together and co-ordinate what will otherwise be piecemeal efforts, the Treasury needs to take a lead. Sadly, when I raised this subject with the Chancellor in November 2007, while he waxed lyrical about growth and prosperity, he seemed less than serious when he said:

"I am willing to consider a Liberal Democrat happiness index".—[*Official Report*, 29 November 2007; Vol. 468, c. 428.]

I hope that I am wrong, and that the Treasury has an open mind about creating robust measures of quality of life.

[Jo Swinson]

If the Treasury is to consider measuring quality of life, quality of life obviously needs to be defined. On 22 February, I asked the Chancellor what definition the Treasury is using, and I received this answer from the Financial Secretary to the Treasury:

"Productivity and employment are the key determinants of growth and therefore of living standards. However, a large volume of other data are also important indicators for a broader measure of quality of life, such as those on crime, working hours, social capital, social demography and health." [*Official Report*, 22 February 2008; Vol. 472, c. 1117W.]

That answer rightly recognises that living standards are not the same as quality of life.

Living standards have certainly increased in recent decades but, as I have said already, quality of life has not. The factors that were listed—

"crime, working hours, social capital…health"—

and so on are all important to quality of life, but with such a vague definition, it is not clear how the Treasury can measure overall progress towards its aim of a better quality of life. The answer also misses out how quality of life should be defined—the answer is by asking people. Measuring the subjective well-being of individuals is essential, if we are to know how the quality of life is changing. Asserting that quality of life has increased on a range of sterile indicators is not much use if people do not feel any happier or more satisfied.

Some would argue that happiness cannot be studied or measured accurately. However, science tells us otherwise. Lord Layard, the well respected Labour peer, goes over the evidence that it can be measured at some length in his 2005 book, "Happiness: Lessons from a New Science". He is clear that the answers that an individual gives to subjective well-being questions not only match the answers that friends or independent observers would give about their well-being, but also correlate with scans indicating activity in corresponding parts of the brain.

Furthermore, the Government's own sources suggest that a life satisfaction question is both robust and useful. A DEFRA paper published last year, "Sustainable development indicators in your pocket", states:

"The independent research commissioned by DEFRA concluded that life satisfaction measures should provide reliable information about wellbeing in a policy context."

Of course, just asking people how satisfied or happy they are may be interesting, but it will not help the Government to understand how to enhance quality of life. That is why a range of indicators needs to be developed and correlated over time with the subjective well-being question, so that trends can be established and policies changed accordingly.

There is already a large body of research into the determinants of happiness. A paper commissioned by DEFRA, "Review of research on the influences on personal well-being and application to policy making", which was written by Professor Paul Dolan and others in 2006, gives a comprehensive review of the research that has been conducted so far. In particular, the findings on income and work are interesting. The paper states:

"The majority of individual level studies find a positive association between absolute income and well-being".

We might assume that to be the case, given that most people tend to try hard to increase their income. However, the paper goes on to say:

"The results generally suggest that there are diminishing returns to income i.e. the well-being hit of income falls as income rises."

Beyond a certain point, therefore, policies that prioritise making us richer will not necessarily yield large pay-offs in terms of our happiness.

The Treasury is right to identify employment as a key driver for quality of life, although that is not just about the growth as a result of higher employment, as might be thought. Instead, the same DEFRA paper found that

"being unemployed has severe and long lasting negative consequences for life satisfaction and happiness, which cannot be explained only in terms of the loss in income."

The conclusion to be drawn from that is that even when someone who has been unemployed returns to work, they are unhappier than they were before, because the experience of being unemployed increases their feeling of insecurity even while they are in work. I know that, as a Labour Member, the Minister will welcome that finding, which suggests that there should be an even greater focus on ensuring that everyone has a genuine opportunity to work.

Regardless of the level of income, inequality negatively impacts on quality of life. People would rather earn £50,000 in a society where everyone else earns £25,000 than earn £100,000 in a society where everyone else earns £250,000. Therefore, the issue of income inequality is important, so it is especially worrying that according to the Institute for Fiscal Studies and the gini coefficient the gap between the rich and the poor has widened under this Government.

On income and work, it is also important to bear in mind the current personal debt crisis. The evidence shows that while secured debts, such as a mortgage, do not negatively impact on someone's quality of life, large amounts of unsecured debt cause a great deal of worry and unhappiness.

Interestingly, the DEFRA paper also points out that, according to the research, commuting is:

"generally associated with lower levels of life satisfaction and mood."

However, it is rare that Ministers make proud declarations about efforts to cut the average commute of the British citizen. The issue of commuting is not just about congestion: it is about adopting a different approach to how and where we work. Taken in hand with people saying that they want more time with friends and family, the case for moving to more flexible working practices is overwhelming. We need to tackle the culture of presenteeism and use technology to cut out unnecessary commutes, which would also have environmental benefits.

Research points to many other factors that have an impact on happiness. Health is a major one, especially and unsurprisingly as we get older. Locus of control is also a common influencer of life satisfaction; when people feel that decisions are made for them and that they have little influence over the events in their lives, they tend to be unhappier.

All that information should be shaping Government policy, which brings me to the action that the Treasury should take. An Ipsos Mori poll found that 85 per cent. of people in the UK agree that

"Policies should put less emphasis on consumption, and more emphasis on other aspects of the quality of life".

In order to prioritise improving quality of life, it is essential to measure it and research what affects it, so the first and most obvious thing to do is to create an index of the nation's happiness. The old adage that "what gets measured gets done" has a ring of truth about it here. No one bothered about GDP 100 years ago, because we did not have the tools to measure it; now it seems to be the obsession of most Governments around the world, although, as I have mentioned, that situation is changing.

A happiness index, including subjective well-being measures and a range of quality of life indicators, would complement GDP as a general measure of progress. It would provide a tangible way of monitoring the Treasury's goal of creating a better quality of life, and it would help to identify the policy levers to enhance happiness in the future. Importantly, it would also provide greater clarity within Government; many Departments now refer to the concepts of "quality of life" or "well-being" in their mission statements, but there is no common measurement.

In developing such an index, the Government should stick to five key principles: the index should be well grounded in the science; it should be conducted at regular intervals; it should have a large sample size; it should be robust and proof against manipulation; and, ideally, it should be part of an international effort to enable comparisons across nations—hence my early-day motion calling for the Government to work closely with the French as the French develop their index.

Even before such an index is created, the Treasury could integrate existing happiness research into its work. The supporting evidence on well-being should be consulted in allocating resources, assessing new policies and deciding priorities. Much as the environmental or budgetary impact of a policy is looked at, the well-being impact should also be considered.

Mr. John Leech (Manchester, Withington) (LD): I came to listen to this debate to find out what it was about, to be honest, but I agree with everything that my hon. Friend has said. Does she agree that if we were to adopt the strategy that she has proposed, there would be a much stronger case for saving local post offices and other services that the Government perhaps do not see as financial priorities?

Jo Swinson: I agree with my hon. Friend. Post offices are a good example of a local service whose social impact and value to the community are not necessarily captured in financial measurements. He has made his point very well.

These proposals are not always about spending more money, the Minister will be glad to hear. Indeed, taking well-being into the equation may sometimes lead to ending practices and projects that cost money, or implementing policies that save money. A cross-departmental approach is crucial, as sometimes the spending will be in one Department and the saving in another. For example, the Layard proposals on mental health to train new cognitive behavioural therapists to help people with depression get back to work will result in savings on incapacity benefits. I am pleased that the Government have taken those ideas on board, but there are many other examples that we are missing out on because we do not measure quality of life in any regular, clear and robust way.

I hope that in her response the Minister will take my views on board and explain whether the Treasury is prepared to look at creating a well-being index for use across Government, and to co-ordinate efforts across Departments to use existing research to improve quality of life, as its mission statement commits it to do.

4.41 pm

The Exchequer Secretary to the Treasury (Angela Eagle): I congratulate the hon. Member for East Dunbartonshire (Jo Swinson) on securing this debate. I certainly hope that it made her happy. She discussed some issues of economic interest that, obviously, arose from ideas that occurred to her in her first economics lectures—I had similar ideas when I went to my first economics lectures—and some of the philosophical issues that underpin the assumptions that come together to give us our statistics.

Quality of life is obviously a wide issue, and many of the Treasury's core functions improve people's quality of life. As the hon. Lady said, increasing the wealth of individuals in the UK as a whole through gross domestic product is not the only determinant of quality of life, and I assure her that we do not hope and pray for natural disasters in order to see GDP levels rise. I suspect that we are as aware as she is of some of the perverse things that can happen if we apply the measurement of certain statistics with no sense about how we interpret them. It is always important to apply the common-sense test, let alone the happiness test, to the way that economics defines statistics and measures things.

Clearly, GDP does have a role. As we see in many countries without economic development, other factors which determine quality of life—schooling, health, cultural activities, security through policing and the rule of law, for example—are difficult to introduce, let alone safeguard and improve. GDP is a necessary but not sufficient condition for the higher levels of happiness that the hon. Lady aspires to for us all.

GDP is a measure of economic activity. It is generally accepted that it is not a perfect measure of wider welfare. To that extent, I certainly agree with the hon. Lady's analysis. There is a wide body of work in the economics and statistical literature on alternative methods of measuring welfare. Such research has a long history, with early work in the area by Weisman and Stiglitz and, more recently, as she mentioned, by Richard Layard, who has been investigating the economics of happiness. That approach to assessing welfare combines economics with techniques more commonly used by psychologists.

Such research highlights factors other than income which affect well-being. The hon. Lady raised one in particular: the welfare effects of inequality. I well remember learning about bliss points when I was studying welfare economics. She may remember them, too. Obviously, finding society's bliss point is what all Governments wish to do.

The research is interesting, and it provides useful insights. The economics of happiness literature does not purport to replace income-based measures of welfare, but instead complements them with broader measures

[Angela Eagle]

of well-being. Other work by Metz, Riley and Weale at the National Institute of Economic and Social Research shows that between 1997 and 2002 the real GDP of both France and the UK grew at 2.7 per cent. per annum. However, real income, which they argue is a better measure of welfare, as it relates more directly to resources available for current and future consumption, grew at 3.2 per cent. per annum in the UK compared with just 2.5 per cent. in France. The Government continue to monitor developments in this area and to look at different ways of measuring even familiar concepts.

Another limitation of GDP as a welfare measure is that it includes paid work but not the unpaid work that we do—I say this as an avowed feminist—and an entire body of feminist literature, which I am always interested in keeping in touch with, demonstrates that. Cooking, cleaning, do-it-yourself, caring for dependants—none of that is measured.

Measuring and valuing unpaid output produced by households in the UK is an important body of research. In 2002, the Office for National Statistics published an experimental household satellite account which measured non-market production by households using the third-party criterion first developed by Margaret Reid in the 1930s; that is, that if someone else could be paid to provide the service, it should be measured. Its experimental estimate for 2000 showed that including such activity would almost double GDP. Clearly, that is an area in which I am extremely interested.

It is also important to note that the standard measure of GDP does not measure degradation of the environment or depreciation of natural resources. The hon. Lady touched on those issues in her wide-ranging remarks. Because it does not measure those things, we as policy makers and people who live on this planet increasingly have to take account of them. The ONS does, however, produce a set of UK environmental accounts that provide information about the environmental impact of economic activity, in particular about the emissions of pollutants, and about the importance of natural resources to the economy.

The hon. Lady is right to emphasise the narrowness of GDP. It is an important measure, but it is by no means the only one. However, using GDP as a measure of economic activity does have three advantages: it is a well-developed measure, it is easily understood, and it is compiled using a set of internationally agreed definitions.

Before I go into any more detail, I want to deal with a couple of points that the hon. Lady raised, particularly whether we should create an index of happiness. Such an index would be useful for policy making, and Her Majesty's Treasury does follow research developments in this area, particularly the work of Richard Layard. However, GDP is still important and it is a better developed measure, but that does not mean that we rule out for all time the development of more sophisticated measurements.

The hon. Lady might want to engage with the now independent ONS, which would have to develop methodologies and have contacts internationally to be able to see whether work could be pushed forward on developing the wider measures of well-being and quality of life that she seeks.

Jo Swinson: I am enjoying the Minister's comments and I welcome much of what she has said, but I would like to push her slightly further. She said that GDP is a better developed method of measurement, which is obvious, but rather than waiting for more sophisticated measures of happiness and well-being to appear suddenly on the scale, will the Treasury take a proactive role in helping to develop them, including internationally?

Angela Eagle: We are interested in a more sophisticated understanding of the effects of economic and other human activity. Including the 50 per cent. of people whose work is often not counted—the unpaid area of the economy is a case in point—sustainability, the pricing and use of finite resources, and other externalities such as pollution when we measure and account for what we do, is clearly important as we enter an era in which we must re-engineer our economies to ensure sustainable economic activity that does not do more damage than good to the planet. To understand, for example, how carbon footprints are affected by activity, we must measure the whole-life carbon costs of those activities.

The science and this area of economics is in need of rapid development, if I may put it that way. In the past, it has not been mainstream; in fact, it has been defined out of the mainstream, as have unpaid work, happiness and welfare economics. The hon. Lady is right to say that all the way through the development of classical economic theory, other strands of study have been pursued by welfare economists. For example, as she said, Nicolas Sarkozy has contacted the Nobel prize-winning economist Amartya Sen, who has done some extremely important work in that field, and I can assure the hon. Lady that the Treasury is well aware of such theoretical developments.

Clearly, we need to see what we can do to ensure that the insights given to us by different ways of measuring and interpreting human activity are incorporated into what we do. Does that mean that we will abandon the measurement of GDP? Of course not. Does it mean that we need quickly to develop internationally agreed methods of measuring the carbon costs of activity? Yes. Does it mean that we could begin to consider whether we can develop the capacity both nationally and internationally to produce what the hon. Lady referred to as a happiness index or some form of quality-of-life measurement that takes on board a wider range of considerations than narrow GDP? Yes. Are we close to developing such an index this instant? No, we are not, and nor are we in a position from which to go forth confidently into international statistical conferences and hope for agreement on such measurement.

It is important, especially when measuring the national account, to use definitions that are agreed internationally, which makes them useful for cross-country comparisons. There are many strands to the work that the hon. Lady described in this fascinating but all-too-brief debate. I do not want to slam the door in any way on the ideas that she has introduced, but a great deal of work needs to be done, nationally and internationally, to get agreement on standards before we can hope to proceed.

I thank the hon. Lady for pursuing these issues, which are important in widening our general understanding of how human economic activity impacts on the societies to which it relates and beyond, to the sustainability of the planet, fairness between genders and fairness between

countries. I aspire, like her, to see in the 21st century the narrower view of economics succeeded by a more holistic view that enables us to go forward with analytical tools and measurements, so that we can more appropriately assess the effects of our society's activity. That way, we could make policy decisions in a more sophisticated way than the current narrow economic measurements enable us to do.

The hon. Lady should not throw the baby out with the bath water. I am sure that she recognises that GDP and some of the pure economic ways of measuring things have their place in our society. After all, even neo-classical economics developed the concept of neo-classical endogenous growth theory, which is a clever way of saying that if people are happy at work, they tend to be more productive.

Question put and agreed to.

Adjourned accordingly at five minutes to Five o'clock.

Westminster Hall

Thursday 12 June 2008

[HUGH BAYLEY *in the Chair*]

European Commission

[Relevant documents: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions—Annual Policy Strategy 2009—and Chapter 6 of the Eighteenth Report of the European Scrutiny Committee, HC 16-xvi.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. David.]*

2.30 pm

The Minister for Europe (Mr. Jim Murphy): I am delighted to serve under your chairmanship, Mr. Bayley, in today's three-and-a-half-hour debate on this important subject. I thank my hon. Friend the Deputy Leader of the House for proposing the debate as a means of helping the House to achieve better scrutiny of the annual European Commission work plan. That objective is keenly shared by the Government, and I hope that this, the first of what we intend to be annual debates in Westminster Hall on the Commission's annual policy strategy and legislative work programme, will be an important step in how Westminster scrutinises Brussels.

The Commission's annual policy strategy establishes policy priorities for 2009 and identifies the initiatives necessary to realise them. As hon. Members know, the new Commission will be appointed in mid-2009. At that point, it will agree a five-year mandate laying out the broad priorities and aims for the period. It is therefore no surprise that the annual policy strategy is primarily a continuation of existing work streams for the current Commission. It is not a set of formal policy proposals but an aspirational document. The Commission has said that it is aimed at "sparking a debate" with the other institutions on where the policy priorities should lie for the next year. That dialogue is helpful in translating the annual policy strategy into deliverables in the legislative work programme for 2009, which will, of course, be presented in October this year.

The annual policy strategy is nevertheless helpful in a number of ways. It provides a framework for the preliminary draft budget for the corresponding year, as well as an operational steer for the Commission services. It helps the Commission to keep on track, preventing drift and endless new initiatives from dominating a new weekly agenda. The strategy is important also because the broad policy priorities that it focuses on will have an impact on the drafting and implementation of specific legislation and proposals. In Whitehall, such documents are important planning tools to help Departments to plan for negotiations.

As my right hon. Friend the Member for Rotherham (Mr. MacShane) and I discussed earlier, 2009 will bring a new European Parliament and European Commission and, subject to national ratification processes, the entry into force of the treaty of Lisbon. Particularly given that backdrop, Members should see the strategy document as indicative rather than legislative. I hope that we can welcome it as a series of operational measures following our long institutional debate. After our debates on European structures in recent months, it is a pleasure for me to open a debate not on those structures, but on the substance of what Europe can and should be doing in the next year.

Mr. Philip Hollobone (Kettering) (Con): Will the Minister give way?

Mr. Murphy: I was on my final sentence, but I shall happily give way.

Mr. Hollobone: This debate is about the European Commission's annual policy strategy. Is there anywhere in it a commitment from the Commission to get its accounts into such an order that they will finally be approved by independent audit? For more than 10 years, the accounts have failed that test.

Mr. Murphy: The hon. Gentleman raises an important point. As I explained in my introduction, the annual policy strategy is not a legislative work programme, but neither is it the annual budget. That will be presented and agreed later in the year. That separate work stream, which is, of course, related to the policy strategy in some ways, needs continuing improvement and transparency, so that there is more confidence in the European Union's budgetary processes here in Westminster and across the whole of Europe. That is an important point, but not directly germane to the document in question.

The debate is an innovation in our practices here in Westminster, and I look forward to it with great relish.

2.35 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): As the Minister knows, the European Scrutiny Committee examined last year's annual policy strategy in detail, not just as a document but as a process. Given that it comes from the European Commission and gives a heads-up of what might be developed into the work programme, we thought, in the spirit in which we have always tried to work, that the earlier that we engaged with the Commission's thoughts, the more likely we were to be able to influence them before they became directives. After that point, it is a struggle to negotiate improvements at a European Council meeting, as the Minister knows. To do so, we sometimes have to surrender some of our bigger ideas or block something because a directive has been structured so badly that it is not acceptable to the UK.

We carried out an inquiry last year into the 2008 annual policy strategy document. We took oral and written evidence, which I hope Members who are interested in European procedures will have taken the trouble to read. We considered that a useful exercise, providing an examination of the Commission's planning process and giving the departmental Select Committees the opportunity to engage in the process at the earliest stages.

We often found that, when something became a directive, that was the first time that departmental Select Committees or those with responsibility engaged with it. As the Minister knows, one of the improvements that we suggested was based on the fact that, although Green Papers and

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White Papers from the Commission were widely consulted on by the Government, they were not sent to Select Committees. Everyone outside the House was consulted, but not the responsible Select Committees. Through the process, we saw errors and made positive recommendations.

As the Minister said, the document is not the Commission's budget, and I am sure that he knows that at our last meeting—not this Wednesday, but the Wednesday before—we discussed the draft budget. We have recommended it for debate, and perhaps those who are interested in the process of audit and accountability will engage with the process in such a debate.

The Committee has considered the 2009 annual policy strategy document, as is reported in our 18th report of Session 2007-08. We examined what was in it and laid out a simple framework for people to look at, hoping that departmental Select Committee members in particular would raise matters with their Departments and engage in the process early on. The document sets out priorities; it does not contain detailed proposals. That is not necessarily a criticism of the Commission, but we assessed that its aspiration that the strategy would be a fundamental tool for debate would not be realised, because of its general nature and because it may have come too early.

It is worth noting that holding such debates on an Adjournment motion on a Thursday, when there is no pressing business in the House, means that we do not necessarily engage all those hon. Members who would normally want to be engaged in the process, because constituency priorities take many of them out of the House.

This will obviously be an important year for the EU. It will have to face up to not only a ratified Lisbon treaty, we hope, and all the new arrangements contained therein, but a new Parliament. There will have been parliamentary elections by the time the annual policy strategy becomes a work programme. That will change the environment in which the debate will continue. Then a new Commission will be appointed, which may set new priorities that disrupt the aspirations in the document.

On behalf of the Committee, I should like to outline what we saw as the key proposals in the annual policy strategy document that people might want to take on board. The Lisbon strategy for growth and jobs will continue to be at the heart of the Commission's political agenda; I hope that that will be applauded by everyone, because it is fundamental to where we are going as a European partnership. The Commission says:

"The impact of the global financial turbulence on the real economy and the hike in raw material prices will require the EU to deepen its structural reforms at both EU and national level."

That is something that we should welcome; just as we are not isolated from the world, the EU is not isolated from the world, and just as we can defend our own position financially, so the EU can help us to defend the position of the 500 million people in the EU.

Kelvin Hopkins (Luton, North) (Lab): I am interested in what my hon. Friend is saying; I always listen with care to what he says on these matters. He is talking about deepening "structural reforms" in the European Union. Those are typical EU words; I wonder whether he could say a little more about precisely what they mean.

Michael Connarty: Indeed I can. Although this is a very deep and important subject, the Commission sums it up by saying:

"Removing unnecessary administrative burdens put on businesses will be forcefully pursued."

If anyone has gone to engage in debate with the other members of the European Union, they will know that, as a country, we have taken on board the Lisbon agenda very strongly. We have gone for liberated markets, including in labour. Some would say that that flexibility has helped to generate jobs, so that we have more people in employment in the UK than we have ever had on record.

Unfortunately, we see a growth in the EU of what has become known as economic patriotism; it used to be called protectionism. Even as we have signed up early to some directives, so other countries are now pushing them back. The one that my hon. Friend the Member for Luton, North (Kelvin Hopkins) hears me talk about quite a lot is the postal directive. We have liberated our postal markets, but the date for the liberalisation of the whole postal market in Europe, which should have been 2009, has now been pushed back to 2011, with some countries calling for a derogation until 2013. Therefore, access to the postal markets will not be available to UK firms in the way that it is available to firms from other parts of the EU.

There are many other examples of such delay. The unbundling of energy markets, with the idea of breaking up the generators of energy from the people who distribute and sell energy, is something that we have already done, but the idea has not been warmly welcomed, let us say, by other countries.

I will not go into great detail about it, but I received an excellent document from the City of London corporation called, "Delivering a competitive EU single market for the 21st century". It is very well drafted and contains many ideas that we will hopefully take up as a UK Government; perhaps it will be quoted at length as a source of inspiration for Opposition Members. It outlines a very important way of thinking about the future. If there is a new European Commission and a new European Parliament, I hope that they will be more in favour of the Lisbon agenda and less opposed to it; unfortunately, opposition to the Lisbon agenda has been signalled by some at the moment.

The other measures being emphasised are the EU cohesion programmes. To quote the Commission in the annual policy strategy document, those programmes will

"ensure a major source of investment at regional level to implement the Lisbon strategy. European social partners' contribution to the Lisbon agenda will also be geared up... The Commission wishes to focus on activities in the area of support for Small and Medium Enterprises (SMEs), building in particular on the forthcoming European Small Business Act... The European Institute for Innovation and Technology"—

will enter—

"its first full year of operation... A key follow-up to the 2007 Single Market Review will be an initiative on shared partnerships between the Commission and Member States to apply and enforce Single Market law, clarifying the respective roles of the Commission and Member States and their shared responsibilities in making the Single Market work."

As we all know, 2009 will be an important year to take forward work on energy and climate change. We had a debate last week on the proposal for renewable

energy. Our position as a Government is to look for more flexibility in the mandatory targets that have been set by the EU. For example, the Minister for Energy has said that it will cost £5 billion per annum to reach the target of 15 per cent. renewables by 2020. In this particular economic climate, that figure must be a cause for concern. I therefore hope that the figure will be negotiable when the annual strategy policy document turns into the work programme.

Bringing the energy and climate change package to the implementation phase will be a priority. The package will include implementing the revised emissions trading scheme; enacting new legislation on renewables, as I have mentioned; and putting into effect energy efficiency action plans and developing low-carbon technologies. I hope that we all aspire to seeing those measures implemented. At this early stage in the annual policy strategy document, I hope that hon. Members will engage with the implementation process through Select Committees and their own special interests.

The Commission states that a key priority will be to make a success of the Galileo project, which will now be managed by the Commission. There was great controversy, and as a Committee we joined in with that controversy. We were not necessarily convinced that Galileo, as it was originally structured, would be capable of functioning as a commercial activity, and so it turned out; it has now been taken on by the Commission, with some regret on some parts and with some welcome on other parts. Our late colleague, Gwyneth Dunwoody, was very resistant to the idea that the Commission should take on the Galileo project. A number of Opposition Members argued that we have the global positioning system from the USA, which was free to use, and therefore that we did not need a European system. However, we have Galileo, and now we must deal with the question of Galileo, under what is called the Galileo Commission project.

There will also be work on the green transport package. There is a great deal of controversy about how green transport is achieved. In the European Parliament recently, a motion was carried that rejected the idea of biofuels being part of the package, because of the current effect of biofuels on food and food prices.

The APS also mentions the common immigration policy, which will remain a fundamental priority for the Commission and a number of key actions in that field are envisaged. Among others, those actions include the adoption of proposals on legal migration; the further development of Frontex; and work towards completion of the common European asylum system. Of course, the UK has a choice of opting into or out of all those actions, and that will prompt debate in the House every time these issues come up for discussion.

Mr. Hollobone: I am listening with interest to what the hon. Gentleman is saying, and he has now come on to the important issue of immigration. Of course, the EU has some extremely long land and sea borders. Does he or his Committee have any real confidence that the European Commission will introduce any effective measures to prevent the growth of large-scale illegal immigration into the EU?

Michael Connarty: In fact, the role of the European Scrutiny Committee is not to discuss and make policy on the merits of an idea, but to ensure that the Government puts forward all the information necessary for Parliament, either in a debate that we hold on the Floor of the House or in the correspondence that we have with the Minister in relation to what the Government propose at the Council of Ministers, which is then reported in the form of statements to the House. Those statements are then on the record in *Hansard* and in the Library, and every Member should obviously engage with that process of debate if they are interested in the issues.

Personally, I must say that there was a lot of strong argument that we should have joined the Schengen arrangements immediately. There were many reasons against doing so politically, but I can see very few reasons against engaging in all of the processes on immigration and asylum that are proposed under the treaty of Amsterdam. It is unfortunate that the political arguments basically scared everybody into thinking that, if we lost our own borders, we would have a flood of immigrants; we did not lose our own borders and then we had a flood of immigrants anyway.

Mr. Denis MacShane (Rotherham) (Lab): The fundamental point is that no country will surrender control over its immigration policy to Brussels. So when the hon. Member for Kettering (Mr. Hollobone) makes that appeal, he has to convert his own party into thinking in a more pro-European way. Immigration and the control of borders is a matter of national sovereignty; I might regret that, but that is the reality. He cannot wish the European Commission to be tougher on immigration, but deny it the powers and the right to act tougher.

Michael Connarty: That point is very well made. As a former Minister for Europe, my right hon. Friend knows this territory very well. In fact, he was probably the Minister for Europe when some of these decisions were made in the early days.

Immigration is an important matter; it is in the annual policy strategy document, and it will obviously work into the work programme. It is not an issue that will go away; it has to be worked on, and we have to engage step by step with that process. With many of these matters, if the Lisbon treaty is ratified, we will have to take opt-in decisions on them, and as a Committee we are considering how they will be dealt with by Parliament, because Parliament must have a say in advising Ministers about whether or not they should opt in on each of these individual matters.

The point about the 2007 inquiry that we undertook relating to this subject is that it is not likely to cause the kind of engagement on the annual policy strategy document that would prompt the debates on detail. Such issues will come within the work programme; but by highlighting some of them today, we hope that members of the Select Committees will look at the annual policy strategy document. The Government are very positive about it. I have not heard anything from them to indicate that there is something in it that frightens them. It contains matters that we know they are now moving through the process.

We will send the annual policy strategy document and our report on it to all the Select Committees, and I hope that Members will engage with it. Others who do not serve on Select Committees might want to look at the document to see which items are covered, as the hon. Member for Kettering did, whether it is the audit

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function, or immigration and asylum, the use of Frontex and the building of stronger Schengen arrangements to protect our borders.

Those are all things that I hope will be attractive to Members of Parliament who think, as I do, that we need to engage much more closely with Europe. Europe post-Lisbon will involve more of a resolution of forces and less of a triangle of Commission, Council and national Parliaments. The European Parliament will get much more power. We must find a way to be one of the forces in it that makes good policy for Europe, and one of the ways to do so is to engage early, which the annual policy strategy document gives us a chance to do.

I will have to leave early, Mr. Bayley, because I have to speak about the European Union to a group of business people for the Industry and Parliament Trust at 3 o'clock, so I apologise that I will not be here for the rest of the debate.

2.51 pm

Mr. Denis MacShane (Rotherham) (Lab): I welcome the Government's finding time for this debate, although, like my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), I regret the fact that only three Labour Back Benchers—my hon. Friend is here in his capacity as the distinguished Chairman of the European Scrutiny Committee—one distinguished Conservative Back Bencher and three Front-Bench spokespersons are here. That puts into perspective the gap between some of the hysteria about Europe that we read in the anti-European right-wing press and the actual state of public debate on and awareness of Europe.

In a sense, there is some reality in that position, because, at the end of the day, the European Commission takes just 1 per cent. of Europe's gross national income for its purposes, and, of that 1 per cent., about 85 per cent. is immediately returned to national Governments in the form principally of agricultural payments and what are called structural, regional or cohesion funds. The agricultural policy is much contested in Britain, and rightly so. But if we did not have the CAP—the common agricultural policy—we would have to have a BAP, FAP and GAP; that is, a British, a French and a German agricultural policy. That is enough acronyms.

Believe me, I am absolutely confident that the National Farmers Union, backed by redoubtable Conservative Members of Parliament from the rural areas, would be extracting even greater subsidies for the farming industry in this country from the British national taxpayer than what is provided through the CAP.

Kelvin Hopkins: I think the idea of national agricultural policies has great appeal. Does my right hon. Friend not agree that national Governments would be much better than the European Union at targeting subsidies where and when they are necessary, and that the agricultural situation and industry of each member state is quite different from that of all the other member states? It would be much more sensible for national Governments, not the European Union, to determine agricultural policies.

Mr. MacShane: Having lived in Switzerland and seen the massive subsidies—a much greater share of state revenue than in this country—that the Swiss taxpayer has to give to its farmers because they are not in the CAP, I am not entirely convinced by my hon. Friend's argument. Furthermore, to make an agricultural policy stick is a matter not just of subsidy but of import and export of agricultural goods, and the ineluctable and natural tendency of any farming lobby since the far-off days of the Roman empire is to ensure the protection of borders. The hon. Member for Kingston and Surbiton (Mr. Davey) smiles at that reference to ancient history, but Socrates, who predated the Roman empire, said that the man who does not know the price of a bushel of wheat will not last long in politics. If Socrates were an adviser to the NFU today, he would find that that aphorism still applies.

Mr. Edward Davey (Kingston and Surbiton) (LD): Can the right hon. Gentleman tell us the price of a bushel of wheat?

Mr. MacShane: That is precisely why I am not a very successful politician. I did not study long and hard enough at the school of Socrates.

Of the 1 per cent. that comes to Europe, 85 per cent. goes straight back to national Governments for disbursement, and it is at national Government level that the legendary and perfectly accurate point about not being able to sign off accounts occurs. The European Commission is not able to have a functionary and accountant in every sheep field and wheat field to count the lambs and bushels in and out. The task is clearly beyond anybody's grasp.

It is actually the failure of national Governments to spend the money in an accountable way that means that the European Commission cannot sign off its accounts, just as we cannot sign off—and never have been able to under any Administration—the accounts of the Department for Work and Pensions in any of its previous manifestations. I am afraid that the level of benefit fraud in Britain is such that an accountant cannot sign off the accounts. He knows that money has gone out but he cannot be sure how it has been spent.

We have to bear down and demand maximum transparency, but when we examine Europe, we find that 1 per cent. of its gross national income goes to Brussels, and of that 1 per cent., 85 per cent. is sent back for disbursement through national Governments. Just 15 per cent. of 1 per cent. is all that remains to the Commission—one seventh of 1 per cent. The idea that one can construct a monolithic superstate steamroller that destroys national freedoms and liberties in its path on the basis of one seventh of 1 per cent. of collective state income is nonsense. What is remarkable is how much has been achieved with that rather small portion of total EU income.

I will not enumerate the advantages that we have through travel, trade, investment and so on, because I want to focus on two narrow areas of the annual policy strategy for 2009. I hope that before I leave this House we might have a Government debate, in Government time, on something called the Government's annual policy strategy for the year. That would be an exciting and innovative concept, but I am not sure that it would completely commend itself to my right hon. Friend the Prime Minister or any future Prime Minister who may occupy 10 Downing street.

I had the pleasure of observing the Macedonian elections two Sundays ago. Some of them will be rerun this Sunday because of electoral fraud and manipulation. Before that, I had the pleasure of being in Kosovo, which I visited often as a Minister. I am delighted that my hon. Friend the Minister will be in Kosovo on Sunday or Monday, at the moment when Kosovo achieves its statehood. It has already made its declaration of independence, but this weekend, and with the presence of the Minister, it will celebrate its independence. It is absolutely right that Britain should be there because the fate of the western Balkans has taken up a great deal of the attention of the House and the Government over the past 20 years.

I suspect that all of us in this House will, at some stage, have had gentlemen and women come into our surgeries who are asylum seekers from Kosovo or other parts of the western Balkans, or who have been transited through that broad region from Athens up to the Alps. Trying to bring some stability, democracy and rule of law to that region ought to be a Government priority. It took far too long for the British Government to intervene in the 1990s.

I commend to those who are interested the statement made to the House by the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), who was Foreign Secretary at the time of the Srebrenica massacre. I saw a bowl of water on the Dispatch Box and a distinguished Foreign Secretary washing his hands in it, saying, "It's nothing to do with me, we cannot do anything, we're staying out of it." I hope that I never have the shame of listening to that kind of do-nothing policy again in my lifetime. Later, we had to intervene in Kosovo. It is one of the positive marks in the record of the former Prime Minister, Tony Blair, that he put together the coalition and persuaded the United States to put in air and land power to stop the mass butchery of Muslims by Milosevic's thugs.

For nine years, soldiers have been down there—18,000 are currently in the Kosovo peace implementation force—and Kosovo has been in limbo, being neither a state nor a province. It is quite clear that the people of Kosovo utterly reject rule by Belgrade, just as the people of Slovenia, Croatia and Macedonia and, more latterly, the people of Montenegro rejected its rule. The people of Kosovo did that peacefully by building their own civil society in the 1980s and 1990s, under a great leader, President Ibrahim Rugova. They took the path of Ghandian non-violence until the very last moments of 1998 and 1999, when such were the exactions and repressions by the Black and Tans of the Milosevic militia that a resistance army was formed and a short war took place until the intervention of NATO, Europe, the United States and the United Nations to bring peace to the area. However, peace in the sense of absence of war has not meant peace in the sense of the Kosovans being allowed to create their own Government, elect their own leaders, decide their own laws and build their own relationships with their neighbours and the wider world.

Martti Ahtisaari, the Finnish President, after many long visits to both Belgrade and Pristina, and after the utter refusal of the authorities in Belgrade to accept that Kosovo should be Kosovo, advanced a plan, which in his typical Ahtisaari, Finnish way contained important safeguards for the Serb people in Kosovo. There is no denying that Kosovo is, for many Serbs, part of their historic roots: the first patriarchy of Serbia was in Pec, which is in Kosovo, and some of the great battles in Serbian history were fought in what is now Kosovo. However, one could say the same about Ireland in relation to England in the 1920s. Looking back to the 14th century, I imagine that bits of France were then part of England, but we do not seriously expect to be allowed to reclaim them. It is one of the tragedies of the western Balkans that the Serbs have not allowed Kosovo to be Kosovo and accepted that the future will be different; instead, they have been locked, sadly, in the past—particularly the ultra-nationalist irredentists in Belgrade, who have been making speeches and demanding that the Kosovans should accept rule by Belgrade again.

Kelvin Hopkins: There has been a suggestion of partition for some small bits of Kosovo, which would allow the remaining small groups of Serbs who tend to be on the Serbian fringes of Kosovo to join Serbia or form enclaves within Kosovo. Is that possible?

Mr. MacShane: I travelled from Prizren to Kacanik in the southern part of Kosovo and went through Brezovica, which is a Serb enclave—it is the principal ski station in Kosovo—doing a little reconnaissance for a later visit. As former chair of the all-party group on skiing, I say that it is important that we build our contacts on the slopes. The notion that this little part of Kosovo could somehow be disconnected and reconnected to Serbia is a bit like saying that Luton could be disconnected from Bedfordshire and reconnected to one of the many European countries that my hon. Friend is so fond of.

Kelvin Hopkins: Wales.

Mr. MacShane: Perhaps. The answer to my hon. Friend's question is no; the frontiers are set. Many Albanians living in the Presevo valley in Serbia proper could also make that claim. It is better to stick with the current frontiers rather than start trying to redraw them, which is not a Serb demand, by the way; the Serb demand is still that Kosovo is an eternal part of Serbia and that the Kosovans just jolly well have to live with that. On the contrary, we have to lend maximum support to allow Kosovo to be Kosovo. Britain has done that. Some 42 nations have now recognised Kosovo, and that is the agreed position of the European Union.

However, I say with regret that key European partners are refusing to recognise Kosovo. Spain, for example, does not recognise Kosovo, for reasons that are astonishing. As someone who has always supported Spanish freedoms and democracy, I have to say that for Spain to side with the Serbs is the same as if I were to side with the ETA thugs in the Basque country against the broader interests of the Spanish people. Bulgaria, a Slav country, has recognised Kosovo and I congratulate it for doing so. However, Romania, which is not a Slav country has, for whatever reasons, refused so to do.

Greece does not recognise Kosovo. That is a contradiction in terms of Greeks' national interests. Greece needs a peaceful western Balkans corridor soon—I should like it to be composed of EU member states—through which Greek commercial interests, including tourism, can pass, allowing visitors to go peacefully up to the north of Europe instead of having to go through all the

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border checks. There is huge Greek investment in both Macedonia and Kosovo. Greek business men are there, helpfully making money and growing the two economies. Yet Athens cannot, for its own reasons, find its way to a peaceful relationship with Macedonia over the name issue or even give Kosovo diplomatic recognition, as we have and as France, Germany, the Nordic countries and the United States have.

I ask my hon. Friend the Minister to get the Foreign Office to see what it can do to counter the Spanish diplomatic campaign in Latin America against recognition for Kosovo. Through the Commonwealth and with our French friends—through La Francophonie, as it is called—and through other networks of states, working in particular with the majority Muslim countries, I ask him to see what can be done to show Belgrade and, behind Belgrade, a deeply revanchiste Russia, that Kosovo is getting recognition.

I am impressed by the level of economic activity in Kosovo. In the three or four years since I last visited, when I was a Minister, it really has been transformed from a war-torn country into one with a great deal of economic activity. Much of the money in the country is what we call "black money", or illegal money, but as the Swiss say, money has no smell. With new buildings being built, along with new restaurants, hotels and gas stations, and with cars on the road—there are traffic jams galore in Pristina—and motorways being built, I see a future of economic activity and buzz.

Thank goodness, the 2nd Battalion the Rifles is currently in Kosovo, but only for a short time to cover the arrival of the EU legislative team, which is mentioned on page 6 of the report. The Ministry of Defence suffers from immense overstretch and from the deep irritation, shared by many hon. Members, at the fact that although there are 18,000 troops in Kosovo, few of them are as capable of imposing peace as the British Army and one or two other European contingents. I ask the MOD to see whether there are training possibilities in Kosovo for the soldiers we have stationed in Germany, and some way of having more British soldiers on the ground. Believe me, armoured vehicles going around with the Union Jack fluttering at the back do more to send out signals of confidence, law and order and a rule-based society than almost anything else.

We need to de-UNMIK Kosovo—the United Nations Mission in Kosovo—which is mandated by the UN and does its best. However, after the initial year or two with top people visiting, it does not have the finest flowers of the available global civil service. I am sure that they do not leave security material on the local public transport, but they are not necessarily of the highest quality. Frankly, a state cannot be run by the United Nations. A nation can only run itself by creating its own state.

Macedonia, which is next door to Kosovo, has never gone over the edge into full-scale violence, as the ex-Yugoslav states to its northern frontier did in the 1990s. In 2001, we came close, but strong intervention by Lord Robertson, who was the Secretary-General of NATO, Lord Patten, who was the EU Commissioner for foreign affairs, and Javier Solana, who was the European Council's representative on foreign matters, really made a difference. Through the Lake Ohrid agreement, they stabilised the situation and avoided what could otherwise have been a quite difficult confrontation between Macedonians and Albanians, and between Macedonians and Macedonians of a more Slavic origin.

Unfortunately, the failure of the EU and NATO to allow Macedonia to pursue full Euro-Atlantic integration has led to the return of some of the old political thinking in Macedonia. I do not blame Her Majesty's Government for that in any way. We have two excellent ambassadors in Andrew Key, who is in Skopje, and Andy Sparks, who is in Pristina. I also know how concerned the Minister is about the issue and how concerned previous Europe Ministers have been about it in the past few years. However, the plain fact is that Macedonia was led to believe that it could join NATO, when key NATO stakeholders did not have enough authority to overturn Greek objections.

I will not enter into the debate about Macedonia's name—it is rather like the argument in "Gulliver's Travels" about whether one should crack an egg at the big end or the small end. I accept that the issue is of passionate importance to our Greek friends, but it should not prevent Macedonia from exercising its right to pursue EU and NATO integration. I therefore ask the Minister to see what solutions can be found. We should leave the issue of the name to one side, and I will not, as I said, enter into a debate about its merits or demerits. We should not allow the question whether a rose is a rose by any other name, or Macedonia is Macedonia by any other name, to block Macedonia's path to greater EU integration.

The same is true for Serbia. I love the Serb people. On every visit to Belgrade, I feel that I am in one of the greatest cities of the world, with an educated, cultivated, post-industrial—almost post-national—class of people who are multilingual and hugely talented. None the less, they seem to want to live firmly in the past. We make a mistake in thinking that if we are kind to the Serbs, they will be kind to themselves.

In that respect, I regret that there was a change of policy at the European Council on the issue of Ratko Mladic, the man primarily responsible for the butchery of 8,000 European Muslims in cold blood in 1995. The condition that was always set—that he should go to The Hague if Serbia is to unlock the door barring it from setting out on the path to future EU membership—seems to have been watered down. Ratko Mladic is known to the Serb authorities and he was part of the Serb army and militia network. He was seen around Belgrade a few years ago, so he is not hiding in the hills, unlike his comrade in shame, Karadzic, who is in Republic Srpska. We should have made Mladic's removal to The Hague an unqualified condition, just as we made the rendering of Ante Gotovina to The Hague a condition for starting Croatia's application for EU membership.

The Serbs do not respect the EU when it gets weaker bit by bit, drops conditionality and thinks that it will be rewarded for being nice. Not until we politically confront and defeat the so-called radicals—they are actually ugly, Falangist nationalists, who are not radical in any progressive or decent sense of the word—will there be much hope for Serbia and its brave President, Boris Tadic.

Those are just some views on the western Balkans, which derive from my complete belief that, having offered to integrate the western Balkans into Europe and Euro-Atlantic structures, we have taken our eye off

the ball. For honourable and decent reasons, the eyes of the Minister and the Foreign Secretary have to be on many other balls and many other parts of the world. Currently, they are probably on the level of rainfall in Ireland and on what effect that might have on a certain decision that is being taken in the emerald isle today. However, Europe and Her Majesty's Government have not put the same high-level pressure on the western Balkans that they did during the recent great crises. Bit by bit, the Balkans, instead of Europeanising, are gently suggesting that they might balkanise Europe. We need a serious push to move all the western Balkan nations—I have not gone into depth about Bosnia and Herzegovina, Montenegro or Croatia—into the same position that Slovenia now finds itself in.

I turn now to the section of this excellent document entitled "Europe as a World Partner" and to the issue of the Maghreb—the countries of Morocco, Tunisia and Algeria. There is a debate about the extent to which Libya should be considered a fully Maghrebian country, but for the sake of my remarks, I will refer just to Morocco, Algeria and Tunisia. Those three countries are indispensable future partners for Europe, and I therefore very much welcome the initiative by President Sarkozy. When he announced what the French would do during their presidency of the EU, he said that they would create what he called a union for the Mediterranean.

That raised certain eyebrows and met with opposition from parts of the EU that felt that the proposals were about the French seeking to put themselves in the driving seat in relation to their corner of Europe—the western Mediterranean. It was thought that that would somehow undo the so-called Barcelona process and the Euromed work launched in 1995. Be that as it may, new energy and a new initiative were needed to get Mediterranean and European economic and diplomatic relationships going again. Of course, the supreme prize is peace in the middle east, but rather than trying to climb the Mount Everest of middle east peace without oxygen, it might be better to attempt the rather lower mountains of the Maghreb countries. I hope that the Government will support President Sarkozy, and I am sure that they will be represented at the conference that he proposes to call. I also hope that we will somewhat upgrade our economic, political and diplomatic relations with the countries in the area.

The three Maghreb countries are all tricky. Algeria is an enormous potential source of energy—particularly gas—for the EU, but since the early 1990s it has faced a non-stop assault by ideological Islamists, which is aimed at destabilising the state. In that respect, it remains a mark of shame that Britain—its legal system, the Home Office, Liberty and all the other libertarian organisations—protected a man called Rachid Ramda, who was the financier behind the Algerian Islamist onslaught on the Paris Metro, which killed several innocent people in 1995. That was a forerunner of what happened in Madrid and in our own London tube bombings in July 2005. It took 10 years for this terrorist thug to be sent back to face his accusers in Paris and he is now, correctly, serving a life sentence because the evidence—with or without 42 days' discussion with him—was incontrovertible.

That is what the Algerian state has faced. It is a nationalist state run by the military, so it is not my cup of tea in human rights terms. However, we should encourage it to take the same path as other parts of the world, such as Taiwan and Korea, as well as some of the Latin American and south-east Asian states, which started off in an authoritarian way but evolved over time.

Morocco has functioning political parties. It has a young king, who is trying to maintain order without wanting to lose the control and authority that all kings have before they understand the benefits of a parliamentary system. He works closely with the Jewish community in the country, just as the President of Tunisia does with the Jewish community there. Morocco's king is seeking a different relationship with Europe. Sadly, there are not enough British contacts down there. We see the Maghreb countries as being a bit of a French backyard. The Spanish and the French have significant disagreements about Western Sahara and the Sahel. There is not, for example, any trade between Morocco and Algeria, which is as absurd as having no trade between Germany and France.

We should be taking the argument for what we have achieved in Europe in the past 40 years and saying that it would be a way forward, although we must be careful not to patronise. Of course we should make demands for freedom of expression and human rights, but it is a huge pleasure to walk around in Tunis, for example, and see Tunisian women not being obliged by a patriarchal religious order to wear strange costumes covering them, and to be normal women who hold down Government, ministerial and professional jobs.

President Sarkozy's initiative faces difficulties such as whether Muslim Government leaders will be prepared to sit down in the same room with the Prime Minister of Israel, and the question of Turkey.

Mr. David Drew (Stroud) (Lab/Co-op): My hon. Friend alluded to Western Sahara, in which I take a particular interest. Surely the French could do more to persuade Morocco that its performance over Western Sahara, in direct contravention of all UN mandates, is disgraceful. It is about time that we recognised that. The British have a much more progressive attitude towards Western Sahara—that it is a country in all but name and should be treated as such.

Mr. MacShane: The UN has commissions in the region, and the very distinguished Baker Commission is working on the issue. I am very glad, at times, that we did not have debates of this kind when the American South chose to secede from the Union in 1861. Such issues of identity are sensitive and difficult. In 1987, the Labour party election manifesto contained more about Polisario than it did about Europe. When people go on visits and meet dear friends from different movements around the world, they can get very focused on those issues. We need an agreement and peace, but Algeria also needs to stop supporting people whom the Moroccan Government see as being against them. All three of those Governments need the maximum support to stop what is now called the Maghreb branch of al-Qaeda. Whether that name is self-taken, or really represents any intervention by al-Qaeda, I am not qualified to judge; but we need more intervention, visits, investment, trade and commerce. Those three majority Muslim nations—not quite Arab, because the people are Berber—are future big partners for Europe.

[Mr. MacShane]

As I said, France also must understand its responsibility to Turkey, and face down the right-wing Islamophobe dislike of Turkey from many Conservative parties in Europe. Conservative parties in Europe tend to treat Turkey in the way our Conservative party treats the European Union—they dislike and oppose it, and wish to have as little as possible to do with it.

I will finish on a political point. The Minister and his colleagues who work for British national interests in Europe will be able to work so much more effectively and efficiently if the main Opposition party becomes realistic and sensible about Europe, because it may one day form the Government of the country, although after the comic opera that has been announced to our delight and delectation this afternoon, that day may be much further off than its members imagined before about 1.30 pm. The better-off-out brigade need to be put in their box, just as, in the early 1990s, Labour had to put in their box all the anti-Europeans who were keeping it in permanent opposition. I want to see a day when the entire British elected parliamentary and political class—with the noble exceptions of dear friends whose scepticism I respect, love and admire—will know that to have any voice in Europe, we need to be networking and broadly supportive of it. If we want to change the CAP we must change the point of view of our Irish friends—not our French friends. It is Ireland that refuses all reform of the CAP. To have an effective European defence and security strategy it is necessary to persuade the French to back President Sarkozy in his apparent aim of reintegrating France into NATO—and so on.

I wish the Minister well in what will be tricky and interesting negotiations in the coming period. Whether or not the treaty is ratified, we shall need to get our policies in place to bring about economic growth, social justice, rights for workers and a common policy on the environment, and to find some way of speaking as one with the incoming American President. At the moment, on Russia, on Kosovo, as I suggested, on energy questions and on too many other issues, Europe comes up with the lowest common denominator policy, and does not speak as one or provide an effective partner to the United States and the other great democracies of the world.

3.25 pm

Kelvin Hopkins (Luton, North) (Lab): It is a pleasure to speak in this debate, and having called frequently for such European debates, I could do little else but speak. I want to speak also because it is important that the left critical view of the European Union should be heard. It is the view of a substantial body of people outside Parliament and in the Labour movement in particular. The TUC, for example, has opposed the Lisbon treaty and supported a referendum on it. There are many other active members of our party and movement who feel strongly that the European Union is not the democratic socialist ideal that we should want it to become if it continues.

We have recently had the problem of a European Court of Justice ruling in favour of employers against employees, which seemed to go against the fundamental right to strike, which the European Union has enshrined. Many of us are worried that that augurs a possible change of direction, whereby more and more power will be ceded to employers, with a progressive reduction in the influence and power of working people and their organisations.

Mr. MacShane: Does my hon. Friend agree that the principal cases that he refers to in Sweden, Germany and Finland all concern the absence of a statutory minimum wage in those countries? The European Court of Justice cannot overturn national law on minimum wages. That is the big problem. Those countries, for honourable reasons, do not have a legal minimum wage, which would allow the European Court of Justice a way to debate employment rights there. That is why I believe that we should support a European minimum wage across Europe, set at a strong level, to support the working class everywhere in Europe.

Kelvin Hopkins: That might be a long-term approach, but in the short term the decision went in favour of employers, not employees. However, that is just an aside. I wanted to talk in general about several economic aspects of the European Union.

Like a number of people in the Labour party, both inside and outside Parliament, I oppose the Lisbon treaty. I did not just support a referendum, but I would have voted no. It is interesting that Ireland, which has been referred to, is holding a referendum today, and there is a possibility of a no vote, which would save us an awful lot of trouble. I hope that there will be a no vote. I should welcome that and cheer it. I should probably have a glass of good French champagne to celebrate. The skies would not fall in; we would have the status quo, which is far too integrated even now.

I am one of those people who would have liked, as I have said many times here and in the main Chamber, a referendum on the Single European Act and on the Maastricht treaty. Those fairly fundamental changes were the change of direction—the real speeding up of the process of integration towards what I believe is a state of Europe, or a country of Europe, which will eventually completely marginalise the elected nation state Governments and Parliaments.

Mr. Drew: I agree entirely with my hon. Friend. Does he find it surprising that, as far as I can see from all the material that has come from the EU, there is no plan B? If the Irish were to reject the constitution today, one would have thought that a set of proposals would be put in place immediately to say, "We don't want a constitution". However, there does not seem to be anything. That is the nature of the relentless drive towards centralisation and federalism. That is what some of us are so alarmed about.

Kelvin Hopkins: I agree with my hon. Friend. My plan B would be to retain the strength of the democratic Parliaments of the member states and get them to work co-operatively for mutual benefit. Democratic power would have to be retained at the nation-state level. In other words, they would co-operate when necessary and when mutually agreed for mutual benefit, but they would not be compelled to do so or to cede power to the centre of Europe and have our nation-state Parliaments overridden by the European Union. That is my position.

I speak—as I have many times—as a European. Everything about me shrieks Europe. I am a European by ancestry. The language that I speak and the ones that I try to speak are European. My enthusiasm for the arts, my love of geography and everything else are related to Europe. The European Union is a political imposition on Europe; it is not Europe. I resent the use of the word "Europe" for the European Union. Europe covers countries as far afield as Russia—as far as the Urals—Norway, Switzerland and wherever. It is bigger than the European Union, and the European Union is a political construct of which we must be wary.

As I say, if there is a no vote, we will go back to the status quo, and things will not be very different from now. However, they will be significantly different if the vote is carried.

I was talking to some visiting French business men in a Committee room last week. They were from the nuclear industry and were fairly conservative people. When I talked about the economy, they were shocked at my views. It was almost as though economics did not count in Europe and the union was a political concept or idea. I said that, if it was such a political idea, why was the European Union so concerned to exercise economic control, to construct the single European currency and to have a European Central Bank that sets interest rates independently of any democratic control? I said that it was about economics and that economics is driven not by the interests of working people, but by the interests of big business and global corporations. I think that I made my point, but they were rather shocked that I emphasised economics.

We are possibly on the verge of very serious economic times. The credit crunch, the sub-prime lending crisis and rising oil and food prices are leading us towards a great hole in consumer and economic demand that could cause a recession of quite serious dimensions. We in Britain are more exposed than the continent of Europe. Nevertheless, all of us will be affected by some kind of economic downturn. It was just at these times that Keynes and others—Keynes was the greatest of them—said that Governments should borrow and spend to counter recessionary forces. Yet, at the moment, we are being told by the European Union that we must not borrow; we must not let our debt get out of hand. Debt in Britain is not excessive compared with some other countries and with what we have had in the past. If we are going into a serious recession, we should expect to borrow. I do not think that we want the European Union telling us, "You have to tighten your belt and spend less." That would drive us deeper into recession, and we do not want that. We want to spend more to counter recessionary forces.

If there is a problem with debt, the logical way to deal with that is to raise taxes, but not tax the people who spend money, but the people who have lots of money. Those with an elementary knowledge of economics understand that, if we tax very rich people who tend to keep their money in banks, it will not have much of a deflationary impact on the economy, but if we tax poor people, it will. It is economically beneficial to redistribute income from the rich to the poor in difficult economic times. Poor people, by the very nature of their lives, spend every penny that they get on surviving. Therefore, they keep demand going. Rich people, even possibly the better-off Members of Parliament, will not be too affected by an increase in taxes. My suggestion for increasing taxes in Britain does not reach down as far as the incomes of Back Benchers—possibly Ministers, but not Back Benchers. I will have to check that out.

I have dealt with fiscal policy, borrowing, debt and public expenditure, and the other area is interest rates. The European Union is still dominated by deflationist monetarists who control the European Central Bank. They are talking about keeping interest rates high to squeeze out inflation. When an economy goes into serious recession, inflation is not the problem. The problem is generating demand to survive. Inflation will automatically come down if we go into a serious recession; prices will fall.

If we try to counter inflation, even in relatively stable economic times, we have to see from where the inflation comes. For example, it could be generated by external forces, such as the price of oil. In that instance, if we force an economy into recession to squeeze out inflation, we would destroy the internal economy to deal with something that is beyond our control—the price of oil. Inflation is not the serious threat that faces Europe at the moment; it is recession. At a point—it may be a high point—the price of oil will level off. It may be $200 a barrel, but it will level off. It is then that the additional inflation eases off.

Provided that the internal economies are kept strong and that sufficient product is coming through, inflation will not be a serious problem internally. If, however, by deflating the economy like mad, we destroy the internal economy, when we come to reflate, there will not be enough productive capacity to meet demand. That is when we would get inflation again, and it would be demand-driven inflation rather than cost-driven inflation.

I do not want to give a lecture on economics, but the European Union and our Government should be worrying about recession and not inflation. I hope that the European Union will think again. Even now in Britain, we are considering whether or not to raise interest rates. I must admit that I went hairless the other day—as hon. Members can well see—at the thought that we might have three more interest rate rises in the pipeline from the Monetary Policy Committee of the Bank of England. I do not think that that will happen. Within a few weeks or months, the economy would be in such difficulty that we would not be raising interest rates; we would be lowering them, which is what I suggested in Treasury questions last week.

There are other aspects to the annual policy strategy report. My right hon. Friend the Member for Rotherham (Mr. MacShane), who is not in his seat at the moment, talked as though the budget was the major problem. It is not the major problem, but it is something that we must address and something that is ill-designed and unfair to Britain. I have suggested how it should be seriously reformed.

My hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty) is Chair of the European Scrutiny Committee, of which I am happy to be a member. He suggested that we should be more proactive in policy. I agree with him, and I have been proactive. I have probably spoken at 80 or 90 European Standing Committee sittings over the past 11 years. My hon. Friend the Minister for Europe was the Whip on those Committees. I remember him urging me not to speak too long, so that everyone could go home early. I did have my say, and I made my point.

[Kelvin Hopkins]

One of the points that I repeatedly made was that, if we must have a European budget that has receipts and disbursements, it should be related to the relative prosperity of the member states, so that the rich ones are net contributors and the poor ones are net recipients, and it is all done on a fair basis. The common agricultural policy completely distorts that. If we took the CAP out of the equation and repatriated it to member states, the distortions in the budget would disappear. We could have a budget that was broadly related to the relative prosperity of different nations. There would be a redistribution of income between member states. The amounts concerned would be modest—perhaps 0.5 per cent. of gross domestic product or something—but the process would work well and those concerned would be happy with it. It is foolish, misguided and ill-designed for the whole budget process to be distorted by the CAP. Some countries are big net contributors when they should not be, and others are big net recipients when they should not be.

Mr. Drew: Bizarrely, at a time when we need to subsidise agricultural prices and look again at the traditional British system of deficiency payments, yet again the EU is continuing to argue for a minimum price system that is totally anti-poor. The system will lead to the production of the wrong products and will do nothing for international understanding at this difficult time. I am sure my hon. Friend would agree with that.

Kelvin Hopkins: I agree with my hon. Friend. I have made the point in the past that price maintenance policies are always misguided. The European Union is supposed to be about free markets, yet it rigs the market in agricultural products completely. We must be careful about how we support and design our agricultural world, because we have a world-wide food problem that we must all address.

We should retain a significant amount of food production in our country for long-term strategic reasons, because we may all be facing serious problems in a few years. Each country ought to control its own agricultural policy. We should talk to other countries and try to adopt Fairtrade policies that do not damage poorer countries. Indeed, a well-argued letter from War on Want in *The Independent* this week pointed out that dumping cheap food on developing countries destroys local production. It also pointed out that farmers who in the past would have produced sufficient food for themselves—and possibly some surpluses—are now completely undermined by cheap food being exported by richer countries. That is an ongoing problem. My hon. Friend said that free markets in that sense do not work, and countries should be allowed, as he implied, to protect their agricultural sectors and ensure that they retain sufficient agricultural capacity at least to feed themselves.

I am going off the track of what I wanted to say. The point that I was about to make was about being proactive in relation to policy. I mentioned having a budget where receipts and contributions are related to relative prosperity between member states. I have said that many times and, interestingly, it was fed back into a European document of the type that we are considering. I read the document one day and there was a precise rejection of what I had been suggesting. I suppose that others might have also suggested the proposal, but it was interesting that it was rejected entirely. A good argument was not made against the proposal, except for saying that it would obviously mean the end of the CAP. The idea was said to be not practicable, or some such word.

Nevertheless, at least the proposal was noticed. If one has something to say, it is important in politics to say it over and again until it either proves to be incorrect or it has some effect and people start to take notice. We do not achieve very much by saying nothing. Just moaning about the European Union without being specific is not helpful, so I try to be fairly specific in these matters. The budget is ill-judged, ill-designed and ought to be fundamentally reformed, by abolishing the CAP and repatriating agricultural policies to member states.

I strongly support the greening of transport, which was mentioned in another part of the report. We are in an era of rapidly rising energy, and clearly the cost of transport—particularly personal transport—will rise rapidly. We will have to invest more in public transport. Certainly, in the continental countries, the time will come when travelling by train will be much cheaper than driving. Demand for rail travel will increase, because it will be the most economical and greenest way to travel.

Heavy investment in rail is important—in passenger and particularly freight services. Global warming and CO_2 emissions are serious issues. Compared with road freight, rail freight produces one twelfth of the volume of CO_2 per tonne mile—that is for heavy freight. Light freight is rather different, although even then there is a significant difference. For heavy freight, travelling by road is 12 times worse than by train. We must seriously invest in rail freight track capacity across the whole of Europe. That is being done on the continent of Europe, which is to the credit of our noble Friend Lord Kinnock, who promoted the idea of a cross-Europe rail freight network when he was Transport Commissioner.

Vast tunnels are being built through the Alps. Some of us visited the Brenner pass, which is a 35-mile tunnel primarily dedicated to freight. It is capable of taking double-stack containers on trains and will mean that trains carrying such containers can go from southern Italy to northern Germany. That is serious investment. We are miles behind in that respect. It is difficult even to get single-stack, full-size containers on to most of our network. If we want to be serious about being part of that network and that economic lifeblood or blood system of the European Union, we must build more rail freight capacity here.

My hon. Friend the Minister will know that I have been involved in promoting a dedicated rail freight scheme to build a rail freight line from the channel tunnel to Glasgow, through the major industrial areas of Britain. We have a detailed scheme that is feasible, practicable and economically worked out. I have put a submission to the Transport Committee, spoken in the Chamber about it, met senior officials in the Department for Transport and spoken to Ministers on many occasions. That is a real scheme. We have to be part of the Europe-wide rail freight network, as it will mean the possibility of transferring at least 5 million lorry loads of traffic on to rail each year, much of which will go through the channel tunnel and on to the continent.

I have spoken to logistics managers for Tesco who would love to be able to bring their wine and other things from the continent of Europe—for example, from Bordeaux direct by train to Birmingham, Glasgow or wherever. That cannot be done without heavy investment in track capacity and providing the capability to take serious container traffic to a much greater extent than currently exists on the railways. That would free up other railway lines for more and faster passenger trains. Segregation of freight and passenger trains where possible, as is being done on the continent of Europe, is clearly the way forward. Those on the continent are doing things right in respect of railways, but we are not. I have not yet persuaded my hon. Friends the Ministers at the Department for Transport to say yes to our scheme, but I think that they will in time. We can then say that we are greening transport, too.

Finally, I shall talk a little bit about what one might say is another hobbyhorse of mine: the common fisheries policy. The common fisheries policy is irrational nonsense that has led directly to the overfishing of seas. The only way forward to guarantee that fish stocks survive for the future is to re-establish the old national fishing waters and for each member state with its own maritime areas to defend its fishing grounds. Member states will then realise that their future depends on husbanding their fish stocks well, as is done in Norway, which is outside the European Union.

It has been said to me many times in humour that fish can swim. Humorously, if I were a fish, I would swim in the Norwegian waters rather than outside them, because I would be less likely to be caught. Nevertheless, there are more fish stocks around Norway than around the rest of Europe, because it has its own waters, is outside the common fisheries policy and looks after its stocks better than we do. The only way forward that guarantees that fish stocks across the whole range of fish will be given time to recover is for countries to take back their national fishing waters.

Mr. MacShane: If someone catches a fish in the North sea, how do they know whether it is German, Danish, Dutch, Belgian, Swedish, English or Scottish?

Kelvin Hopkins: Clearly, fish do not speak languages, so that is very difficult. They do not wear badges or flags. My right hon. Friend makes a point that has been made to me many times—fish can swim. However, if the sea is sufficiently big for fish to live in one area rather than another and if there are large shoals of fish around Norway and no shoals of fish around Britain, something has happened to the fish around Britain, which I suggest is the result of overfishing and it might just be because of the common fisheries policy. This is over-simplification and there are various detailed policies that I debated recently in the European Standing Committee with the Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Chatham and Aylesford (Jonathan Shaw), who is responsible for fisheries. However, the common fisheries policy was a give-away at the time of negotiating entry to the European Union. It is irrational nonsense and I urge the Minister to put the case for at least the possibility in a few years' time of re-establishing national fishing waters and abolishing the common fisheries policy.

I am convinced that that is the way forward. I am sure that, if we said that we were going to retake our national fishing waters in five or seven years' time and gave the European Union time to adjust to that thought, common sense would prevail in the end. The Minister responsible for fisheries has said that if we did that, we would be thrown out of the Common Market—sorry, I mean the European Union; I am using the old terminology. I think that it is highly unlikely that we would be thrown out of the European Union. It has a very big trade surplus with us and the rest of the European Union benefits so much in economic terms from Britain's membership that it is unlikely that it would expel us.

If we made our case now and said that we would abolish the common fisheries policy or re-establish our own waters, we would be doing a great service to the fish stocks in our waters and in the waters around the rest of Europe and helping other countries in the European Union as well as ourselves. It is not just a selfish nationalist policy; it is a policy of conservation. It is a green policy, or a green sea policy. It would ensure the restoration of fish stocks that have been attacked to a dangerous degree in recent decades.

I could speak at greater length on a number of other subjects, as I am sure you appreciate, Mr. Bayley, but I have probably had more than my fair share of the time. I apologise, because I have to attend another meeting now, but thank you.

3.52 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): Before he goes to his next meeting, I congratulate the hon. Member for Luton, North (Kelvin Hopkins). He spoke for nearly half an hour. I did not agree with much of what he said and he did not really speak about the paper before us, the annual policy strategy for 2009—*[Interruption.]* In that, he was very like the right hon. Member for Rotherham (Mr. MacShane), who made a fantastic speech, most of which I agreed with. It elucidated many issues. He did at least make some reference to the APS for 2009, so perhaps he does not deserve so much criticism.

Mr. Drew: Will the hon. Gentleman give way?

Mr. Davey: In a second. To be fair to the hon. Member for Luton, North and the right hon. Member for Rotherham, there is not a lot in the document before us.

Hugh Bayley (in the Chair): Order. Before the hon. Member for Stroud intervenes, I point out that it is for the Chair to decide whether contributions are relevant to the topic for debate. I hope that that is not the purpose of the intervention.

Mr. Drew: Thank you, Mr. Bayley. The hon. Member for Kingston and Surbiton (Mr. Davey) is right. This is the best we can do. For a document that is supposed to allow us to scrutinise the whole EU policy or direction of strategy, it does not say much. We in this House need much better. Whatever the views of my right hon. Friend the Member for Rotherham (Mr. MacShane) and my hon. Friend the Member for Luton, North (Kelvin Hopkins), they have to speak on everything because there is such a limited amount that they can speak on according to the document.

Mr. Davey: I agree. It is not absolutely clear what purpose the document is intended to serve. The Minister, in introducing the debate, said that it was a strategy document. It does not appear to be terribly strategic in the way in which it is presented. In the House of Lords report on the 2008 annual policy strategy, criticism was made along those lines. The other place questioned whether it was intended to be a snapshot of where the European Commission was at and what work was in progress, or whether it was supposed to be a list for a future work programme. It was not clear whether it was supposed to be a consultation document involving the other institutions and member states. If these debates are to be meaningful and we are to contribute to what is going on as a British Parliament—

Mr. Jim Murphy: A UK Parliament.

Mr. Davey: The Minister wishes to correct me and I am happy to be corrected. If we are to do that, it is incumbent on the European Commission to send us documents that are rather more meaningful and have much more clarity about both their purpose and their content.

It may be that because we are coming towards the end of the Barroso Commission and we face European Parliament elections next year, the Commission does not have much more to complete. Perhaps it has completed most of the work that it set out when it came together after the previous set of elections. That may well excuse the Commission and this strategy, but when we have these debates, we need a bit of context about their purpose.

As I think was implied by the Chair of the European Scrutiny Committee, the hon. Member for Linlithgow and East Falkirk (Michael Connarty), perhaps this is an early warning system; perhaps it is flagging up what may be down the line. However, for a document meant as an early warning system, it does not give much detail, so there is not much that can be flagged up from it. I am unclear about its purpose and although I welcome more debates and more scrutiny—that is an important development—the European Commission will have to help us a little more if we are to perform that task.

My reading of the document suggests that if it is anything at the moment in the form in which it has been presented, it is a work programme. I refer hon. Members to pages 14 to 19, the annexe, in which it talks about the key actions envisaged for 2009. That seems to be the meat of the document and I want to ask the Minister questions about that meat later, because if we are to have a purpose today, we should understand what it is in that.

I hope that the Minister will take my concerns back to the Council of Ministers and the Foreign and Commonwealth Office. I would not be surprised if they were widely shared. Yes, we want these debates and documents that would set out an annual policy strategy—that would be useful—but we need more in them if that is to serve a useful purpose.

One reason why I would welcome this type of debate and document, if they were done properly, is that I think that the European Union needs to move on from the incessant debates about institutional reform and structures. Whatever is happening today in Ireland, whatever the result tomorrow and whether or not the Lisbon treaty ends up being ratified, we need to move on from the incessant debates that we have had about tinkering with the way in which the institutions work.

I personally support the Lisbon treaty. It makes valuable improvements, not least because the European Union has grown in size. With so many more member states, it seems sensible that some aspects of the institutional framework are reformed, which is the whole purpose of the Lisbon treaty; it is the main drive behind it. It may not have gone down terribly well with the Irish people, but the idea of having 27 commissioners, 28 if Croatia joins and 29 if Turkey joins, makes a nonsense of the Commission. One of the beneficial aspects of the Lisbon treaty is that it would streamline the number of commissioners and the bureaucracy and provide better value for money. It would be a shame if we lost that.

However, if the Lisbon treaty is not ratified and we do lose it, that does not mean that the European Commission cannot function. That has never been an argument that we have advanced. The European Commission, the European Union, will have to work out a way forward, but it should not say, "Okay, the Lisbon treaty has been lost because Ireland didn't ratify it"—if that is what happens—"but let's start another round of discussions about how we reform the institutions." We must not do that. We need to move on and talk about policy—what the European Commission and the European Union institutions are doing and how they are benefiting the citizens whom we come to this place to represent and the citizens of the wider European Union. To focus on that is therefore sensible, and documents such as this can help.

The document points out a number of important areas, and the European Commission and the European Union should focus on them next year. Development of the Lisbon agenda, with its strategy for jobs and growth, could not be more critical. It has been important for many years, but it will be even more important as the world economy, our economy and the European economy come across tougher times. The fact that oil and food prices are high has been referred to; we clearly are in tougher economic times. Whether or not it has an impact on this country or our trading partners in pushing through things such as deregulation and reducing the administrative burden from Europe, that agenda is clearly sensible and one that we should support.

On page 14 and at the top of page 15, the document sets out how the Lisbon strategy for jobs and growth will be developed in the forthcoming year. I have some questions for the Minister on the key actions that are envisaged. The second point in the annex is

"Legislative proposals aimed at reducing administrative burdens, as part of the Commission's Action Programme".

That sounds great. I looked for evidence of what those legislative proposals might be, but I cannot find any. Will the Minister tell us what is envisaged? Is he aware of what those proposals might be? If it is a genuine deregulatory approach, we shall certainly look upon it with some enthusiasm.

We then come to the subheading "Single Market and Competition", which includes:

"Recommendation on shared partnerships with Member States".

I looked in the main text of the document, and on page 4 it states:

"A key follow-up to the 2007 Single Market Review will be an initiative on shared partnerships between the Commission and Member States to apply and enforce Single Market law, clarifying the respective roles of the Commission and Member States and their shared responsibilities in making the Single Market work."

I do not understand that, and I hope that the Minister can explain it. I do not know what "shared partnerships" are. Neither do I know what is meant by a "New Approach Directive", which is mentioned in the following sentence. I have heard of directives, of course, but I have no knowledge of an "approach directive". Will the Minister enlighten us?

Under the title of jobs and growth, the document talks of the Commission stepping up action in the "area of competition". The Minister will have the support of the Liberal Democrats if the Government push this strongly, particularly looking at anti-trust issues and preventing the misuse of state aid. However, the liberalisation agenda of the energy sector is critical. High energy prices are taking their toll on certain industries, so we need to push that programme.

I urge the Minister to see whether work can be done by the Government and the European Commission on the refinery sector. There is some concern that it is not only the rise in the commodity prices that feeds through to the pumps and the higher fuel costs faced by our constituents and industry but the pressures in the system resulting from a lack of refinery infrastructure that have created some of the problems that we have seen with supply and demand. I put it to the Minister that that may be an area for competitive inquiry, either by the EU or the Government.

The final area in the growth and jobs aspect of the document that I want to touch upon is the fact that the Commission is going to

"work on a renewed VAT Strategy".

It then speaks of the

"preparation of initiatives on VAT grouping and on the VAT treatment of public authorities".

I am not quite sure what that amounts to, and some clarification would be welcome. However, I urge the Minister—I hope that he will discuss the matter with his Treasury colleagues—to focus on the VAT treatment of charities with the Commission.

The United Kingdom is not unique, but it has a much more vibrant voluntary and charitable sector than many member states. The way that VAT affects charities in this country can be extremely damaging—not to all charities perhaps, but certainly to those that are not able, through their trading and other activities, to pass on the VAT to the final customer, as is the case in the commercial sector. I do not know whether the renewed VAT strategy will touch upon that problem, but the Government need to consider that question.

I move on to the section of the document that talks of a "sustainable Europe". It focuses on environmental issues in what I have described as a work programme. I welcome the increased emphasis on policies to tackle climate change. Although it is part of the Lisbon treaty, the European Commission and the European Union are doing a lot of work outside the treaty. That is one of the most important arguments for the European Union, and it is good to see a large part of the strategy work programme with such details. There is some substance in it—things that we can get our hands on, things that we can understand—and I support several things in it.

For instance, it talks of setting out the EU's position for the November 2009 Copenhagen climate conference. That is critical. In moving on from Kyoto and Bali, the EU has been leading the global debate. It is critical for the member states of the European Union to take a really strong and coherent position—not only for the UK or Europe, but for the whole world. It is an essential piece of work, and I hope that the Minister and his colleagues will contribute strongly to it.

Implementation of the revised emissions trading scheme will be important during the next year or two. The first round of the ETS was not as successful as it might have been, but given that it was innovative and given that we were leading again, it was a valuable exercise. It is worth pointing out that, not least because of increased fuel prices, windfall gains were made by a number of energy companies as a result of the first round of the ETS. I hope that it will not happen in the second round, although I fear that it might. The emissions trading scheme is critical. In the first round, it dealt with about 40 per cent. of carbon emissions in the Union. It now takes account of aviation, which is welcome. I hope that it will take account of emissions from freight transport, including from shipping. Again, that is a welcome development. I hope that the Minister well tell us how he thinks implementation will work. Are we are on track? What are the key milestones?

I now turn to the implementation of the energy efficiency action plan. I welcome it, because I am absolutely convinced that we can do an awful lot more than has been managed before. Although most aspects of energy efficiency policy should be considered at the national as well as the local level, it is good that the EU is working on the matter—particularly in relation to the workings of the single market. Inevitably, regulations on things such as lighting and other consumer goods will have to be made, in part, at a European level. The proposal for a new initiative on energy labelling of tyres, and measures on domestic lighting and incandescent bulbs are a good step forward, and we should support them. There will inevitably be problems with implementation, as we move from one system to another, but it has to be the way forward. I understand that if the EU gets rid of incandescent light bulbs, that measure alone will save 20 million tonnes of carbon emissions. That is the equivalent of 25 medium-sized power stations—it is big stuff. It is important that the European Union leads the way: if it is going to happen, we should welcome the document.

I could talk about a number of things that are in the action plan, but I wanted finally to focus on the section titled "Europe as a World Partner", which is a key part of the Commission's future work. That status is often underplayed and under-presented. We have debates, particularly with Conservative Front Benchers, about the operation of European security, defence and foreign policy, but, clearly, they depend on unanimity. Some of the concerns that are raised about the operation of that policy level are not valid, because we have a veto. Because we are part of the European Union, we speak with a louder voice. We can work with partners that we can listen to more effectively. Also, people want to join us, so we can promote the values and rights that are at the heart of the EU.

[Mr. Davey]

In the coming year, within the strategy, there is a work programme to make progress with accession negotiations with Croatia and Turkey, which is absolutely right. Bringing in states from the western Balkans is important. The Liberal Democrats have always supported the idea of Turkey becoming a full member of the European Union. It would be historic if a secular Muslim state joined and was welcomed into the European Union. It would be fantastic. It would be great for trade and good for getting Turkey up to the human rights standards that the EU seeks to promote, but it would be far more than that. We often forget the historic messages that the EU sends. My party and I are proud to stand up as strong supporters of the EU. I believe that the European Union is one of the greatest steps forward in the history of humankind. That goes against what one would read in the press, and it is an unfashionable view, but I think that all those states gathering around tables to talk to one another, solve problems and co-operate, with the rule of law and a degree of democratic accountability, following due process transparently, is fantastic. Bringing a secular Muslim state such as Turkey into that kind of club would be historic, so it would be fantastic if work was done in 2009 to pursue that goal.

The strategy addresses the important foreign policy issue of making progress and working on a new framework agreement with Russia. We are all aware of some of the worrying developments in Russia. The problem for the EU is that we have not been able to agree on our approach because of divergences between some of the big member states—between Germany and France and Germany and the UK. It might be that we are unable to achieve a common approach, but it would help if we could develop an approach that we consider to be in Britain's interest and that we can persuade other people to take up. If Russia is able to pick different member states off, it is powerful; if Russia faces a united EU, strengthened by a common agreement to which states have signed up through a proper process, it becomes much weaker. Together we have a much stronger voice, and we will not allow the bully-boy approach that Putin adopted—we have yet to see whether Medvedev adopts the same approach—to succeed. That is important for Britain and Europe.

The final part of the long work programme under the title "Europe as a World Partner" is on the implementation of the Doha development agreement. The Foreign Secretary touched on that last night when he gave a speech at Lancaster house—we were celebrating Her Majesty's birthday. The US presidential elections will be out of the way in November, and one of the new President's first tasks, with the new Congress, will be to engage on the matter. There will be problems because, whether or not the Democrats win the White House, they are likely to strengthen their control over Congress. I do not know whether that will mean that there will be a majority in both Houses for the Doha agreement. The last time I talked to American politicians and policy makers about the agreement, they said that Washington is not all that interested because there is not a lot in it for the US. They say, "You guys in Europe talk about a development round, but it doesn't really do very much for us". Hopefully, there will be a new atmosphere in American politics, and they might take a more enlightened approach. If so, the European Union should be ready to push it forward and achieve something.

The document states:

"If appropriate, implementation of the Doha Development Agreement".

I think I know what the Commission means by that, but I am not sure. In any case, we, as a member state, ought to push for it. No trade agreement contains everything one wishes for, but one can get 75 per cent. of it—that is the way of trade politics. I would welcome progress on that.

I repeat that I have concerns about the process, but the fact that I have been able to speak for so long and refer to the document suggests that it has some value. However, that value is compartmentalised. The European Commission is doing this and wants to make progress on that, which is all good. We can discuss it and put our points of view, but it does not amount to a strategy. If that is what the Commission is seeking to do, it needs to think again. Having said that, I am looking forward to the Minister's response to my detailed questions.

4.17 pm

Mr. David Lidington (Aylesbury) (Con): May I offer the apologies of my hon. Friend the Member for Rayleigh (Mr. Francois), who would normally speak in a European debate from the Conservative Front Bench? As the Minister knows, he is attending the wedding this afternoon of a member of his staff, and I am sure that the whole House wishes the happy couple every success in their marriage.

I share some of the analysis of the hon. Member for Kingston and Surbiton (Mr. Davey) of the document. I could not make up my mind whether it was a strategy document or a work programme. It is something of a cross between a White Paper and a Queen's Speech, but it lacked the precision of the latter and associated documents because it does not tell us in detail exactly which measures of European legislation the Commission intends to introduce in 2009. The strategic analysis and presentation lacks coherence—it is a bag of all-sorts.

Having said that, I am able to welcome a fair amount of the document, including the continuing commitment of the Commission to enlargement, and I strongly endorse its determination to press ahead with the negotiations with Turkey. The Conservatives have always supported Turkey's accession to the European Union. For the broader reasons alluded to by the hon. Gentleman, it will be in Europe's greater geopolitical interests for Turkey's membership to become reality.

It is good that the Commission mentioned in its document the need to enhance relationships with the countries of north Africa. I am glad to see that the right hon. Member for Rotherham (Mr. MacShane) has returned to the Chamber, because he made some important points on the way in which the interests of European and north African countries are interconnected. It is important for us to foster those relationships. He also gave a friendly but appropriate warning to the British Government and to Britain as a country that British business is sometimes slow off the mark in getting to grips with the opportunities available in north Africa. When I have talked to representatives of those countries,

they have been keen to encourage investment, trade and cultural and educational relationships with the United Kingdom.

I welcome the Commission's words about Doha, but like the hon. Member for Kingston and Surbiton, I think that its completion should be a priority; it should not be conditional on circumstances. The EU should be pressing for it urgently. I also welcome the Commission's words about strengthening the work of the Transatlantic Economic Council. At a time when economic difficulties around the world are strengthening the voices of protectionism, it is vital that the European Commission and the major players in the European Union maintain their commitment to free markets and free trade. Bringing down the barriers that divide us from the members of the North American Free Trade Agreement is an important initiative that can be taken in the right direction.

In general, it is my belief that the Barroso Commission has been more sympathetic to the needs of business and enterprise than its predecessors. It has adopted a friendlier overall attitude to small and medium-sized enterprises in particular, which is to be welcomed. I liked what the document said about the need for emphasis on the quality rather than the quantity of European legislation, and it was refreshing to read a Commission document that talked about needing a year to see to the proper implementation of previously announced initiatives, rather than wishing to press ahead with a whole new raft of directives and regulations, as though that were some test of the effectiveness of the Commission or the EU more generally.

However, I hope that the Minister and his colleagues in other Departments will keep a close eye on what those initiatives actually mean in practice. Do the simplification rolling programme and the action programme to reduce administrative burdens deliver the reductions in business costs that the manufacturing and service industries in the United Kingdom so desperately need as they fight the ever fiercer challenge of global economic competition?

We must bear it in mind that there are pressures in the opposite direction. I mentioned how language about trade around the world seems to be becoming more protectionist. I certainly hope, if the Democratic candidate wins the US presidential election, that some of the protectionist language that we heard on the campaign trail will not translate into US policy, because that would be harmful to this country's interests and the interests of those seeking growth and prosperity throughout the world.

We must consider what is happening in Europe. If the Lisbon treaty comes into force, it will contain that significant shift in language that has relegated free markets and free trade, one of the defining features of the European Union, to a lesser role. We debated that in the Chamber in connection with the treaty. The French hailed it as a great victory for their approach to economic matters and a defeat for the forces of the Anglo-Saxon world.

We should be a bit concerned about some of the positions adopted by our own Government. Only yesterday, the *Financial Times* reported that the British Government had entered a "non aggression pact" under which this country

"agreed to drop Britain's long-standing demands for sweeping pan-European electricity and gas liberalisation."

When the Minister responds, I hope that he might be prepared to spell out the terms of that reported deal. To what extent has the United Kingdom resiled from the oft-expressed ambition of liberalising the European energy markets to at least the same extent as in our own country? What does he believe will be the impact on British business and British consumers of such a change in our negotiating position? We know, for example, that so far it has not proved possible to get some continental gas suppliers to sell gas to United Kingdom distributors for the same lower price that they are prepared to offer distributors on the continent. Are our Government satisfied with that state of affairs? If not, what initiatives do they plan within the EU to end that anomaly in what is supposed to be a single market?

I hope, too, that the Minister might say a word about the concessions that the Government recently agreed on the agency workers directive. He will know that the role of agency and temporary staff is of greater significance in the British economy, especially to small and medium-sized businesses, than in the other major economies of western Europe. Have the Government assessed, in particular, the impact on SMEs of the measure that they are now prepared to endorse? Have they thought through the possible impact of such a directive at a time when the British economy is going through a severe downturn?

I was troubled by the words on page 4 of the strategy document about financial services:

"The Commission will actively engage in the response to the global financial turbulence, which will require long-term adjustments in the regulatory and supervisory environment for financial services."

What does that mean? There is certainly a case—

Mr. Jim Murphy: Transparency.

Mr. Lidington: Well, I am certainly not going to stand here and argue that there is no case for revising systems of regulation and supervision, but it seems vital that the United Kingdom, whatever party is in government, stand up firmly for the principle that light regulation is what tends to breed successful financial service industries. What has benefited the City of London has been the ability to innovate in an on the whole successful system of self-regulation since the days of the big bang. If the European Union, no doubt for well-intended reasons, goes down a path of ever-tighter regulation and stricter government—or supranational government—supervision, the people who will cheer are those who want to establish financial centres in Switzerland or anywhere else outside EU boundaries.

Mr. Davey: The hon. Gentleman makes a strong point. Was he as concerned as I was to read that Chancellor Merkel seems to be on an offensive, suggesting that the Anglo-Saxon model of approach to regulation has had its day? The sentence that he read out may echo the idea that down the line, there could be a European-wide financial services authority. That would be extremely worrying.

Mr. Lidington: I dread the thought of a pan-European FSA, not least because the City of London has been of huge benefit to the British economy, in terms of investment and employment, over the past couple of decades. It is vital that we do nothing that prejudices the success of the City as a generator of income and jobs for British people.

[Mr. Lidington]

I would question, too, whether some of the initiatives listed by the Commission are worth it at all. I really question why we need a European institute of technology. We can agree that technology is a good thing, that innovation is to be welcomed, and that we should support contact and the dissemination of ideas between different enterprises and academic institutions. However, Europe is richly endowed with universities and institutes with track records of technological innovation and a history of publishing and sharing their ideas. Will anything be gained by having an additional institution funded by Europe's taxpayers that cannot be gained, to the same extent or greater, by leaving universities and other institutes to act on their own? Will a central European institute of technology be more dynamic and innovative than Europe's existing diverse institutions?

I welcome the Commission's continuing commitment to action on climate change, but although I have no problem with supporting its objectives, we must acknowledge that the main instrument of policy—the EU emissions trading scheme—is itself flawed. I have always supported emissions trading as a way of introducing a market mechanism to reinforce desirable, environmentally friendly behaviour on the part of companies, but the record of the European ETS is surely that too many credits were issued at the start and that, as a result, we do not yet have a real price for carbon in Europe with which to make that scheme effective and to introduce a dynamic that drives companies to reduce their use of carbon over the years. If the Government share that assessment of what is wrong with the ETS, what are they planning to do about it? Will they campaign in the Council of Ministers and try to assemble allies in the EU to secure improvements to the scheme? Will the revisions to the ETS mentioned in the document actually remedy the flaws to which I have referred, or do we need further work before we have an instrument fit for purpose?

The common immigration policy makes up a fair bit of the Commission's strategy document, and I would be intrigued to know whether the Government have made up their minds on whether they plan to use their opt-ins, if the Lisbon treaty comes into effect. I would also be grateful for clarification of what some of the Commission's proposed measures would entail. For example, page 16 of the document makes reference to directives for specific sectors of industry in relation to the entry and stay of legal migrants. I presume that that would apply to people who, in the British context, are admitted to the UK under work permit or seasonal worker schemes of one sort or another. What concerns me is that we could end up with a European directive designed for a sector, when the significance and labour needs of that sector might significantly differ from one member state to another. How can we design a directive on economic migrants that will work in Greece, Estonia, the UK, Portugal and Malta, and which will make sense in the particular business circumstances in each of those very different economies?

The Commission is clearly very concerned in the document about the need to connect the institutions of the European Union more closely to the lives and everyday priorities of the citizens of European countries. That theme comes through quite powerfully in the sections of the policy strategy entitled "Putting the Citizen First" and "Communicating Europe". I agree with the objective, but I am not at all sure whether it is working in practice. I noted, when the European Parliament had its initial debate on President Barroso's policy strategy, that several Members made reference, in the context of the section on putting the citizen first, to the need to sort out cross-border entitlements on health treatment. MEPs were calling for the Commission to make that a high priority for its programme of work for the year. What is the Government analysis of the likelihood of such a measure coming forward? What would be the impact on the NHS of much greater freedom for people to seek medical treatment across national borders within the EU? Do the Government endorse that principle?

On page 6 of the document, in the section entitled, "Putting the Citizen First", the Commission states:

> "Food safety, animal health and animal welfare will be the subject of new proposals and monitoring activities will be stepped up".

That could be okay, and something that people could welcome, but it raises the question: what does it mean when we get down to the detailed practice? Will we open up our newspapers and find that they are full of indignant owners of bed-and-breakfast establishments complaining that, owing to European legislation, people want to stop them letting the family dog into the kitchen if they are to continue to have guests, and are telling them to choose between barring Rover from part of the family home and giving up their small, family bed-and-breakfast business?

All of us in this place know that sometimes, that sort of over-regulation stems from Brussels, but sometimes it is down to Whitehall gold-plating or to the way in which the local enforcement authority interprets the words sent down to them. Without looking into the issue in greater detail than I have had time to do today, I do not know which it is in this case. In this country, however, when we debate regulations that impinge upon everyday life, we should take every opportunity to argue that: first, we must base our proposals on a common-sense evaluation of an actual, rather than a theoretical, risk; secondly, we must be sensible to the distinction between large enterprises employing large numbers of people, and small businesses run by families, almost as an adjunct to the family way of life; and thirdly, we must understand how people in very different countries actually live their lives day by day. Regulations must seem sensible to people when going about their daily routines.

The section on "Communicating Europe" states that 2009 will be a very important year for Europe. I supported what Mr. Barroso said before the European Parliament, which was that it will give us the chance to celebrate 20 years since the fall of the Berlin wall, and the reunification of a continent that had been so horribly divided since 1914. That really is something for everyone to take pride in in 2009, whichever side we take over the Lisbon treaty.

If we want to communicate about Europe and if we are to engage the public seriously in debates about Europe, European leaders must stop treating the peoples of Europe as tiresome extras. Page 8 of the document talks about the Commission seeking

> "to maximise its work in partnership with the other European institutions and Member States to help spark a lively debate on European policies in the run-up to the European elections and beyond."

We have had a wonderful opportunity for lively debate this year, but the leaders of the Commission and, apart from the Irish, the leaders of the Council of Europe have funked it. The people could have been consulted about the treaty that those leaders have argued would bring enormous benefits to every member state and their citizens.

The hon. Member for Kingston and Surbiton shimmied elegantly around the topic without mentioning that, yesterday evening, the votes of 65 Liberal Democrat peers ensured the defeat of the referendum proposal in the House of Lords. It is ironic that he has sought and attained martyrdom on the Floor of the House on the cause of having referendums on the Lisbon treaty and on Britain's membership of the EU, but that when exactly the same proposal was made in the other place, all his colleagues in the House of Lords lined up with the Government to vote it down. I still have not worked out whether that is simply because he and the right hon. Member for Sheffield, Hallam (Mr. Clegg) have lost all authority over their colleagues in the House of Lords, or because the Liberal Democrats wanted all along to make sure that the public did not get the say that they were promised in 2005.

Mr. Davey: For the record, I am sure that the hon. Gentleman would like to tell the House that the Conservative peers, Lords Heseltine, Patten, Brittan, Hurd, Howe, Tugendhat and Bowness, some of whom are former Foreign Secretaries and Cabinet Ministers, all voted with the Liberal Democrats and the Labour Government in the House of Lords against the Conservative position in the House of Commons.

Mr. Lidington: The hon. Gentleman is accurate in what he says, but he does not mention that those Conservative peers are not members of the Front-Bench team. The Liberal Democrat peers who voted in the House of Lords in the opposite direction to how his party voted in the House of Commons included his party's official spokesmen, who sit with him and his party leader in their Front-Bench meetings and are supposed to be collectively responsible for shaping Liberal Democrat policy. That is the difference between his party and mine on this issue.

Whatever view we take on Lisbon, the principle that this document misses is that if Europe's political leaders continue to deny the peoples of Europe their say, they should not be surprised if the public look on what is happening in Europe with a mixture of apathy and cynicism. That is not healthy for this country or for the European Union as a whole. If we are to build the sort of European co-operation that will be in the interests of the people of every member state, the way forward is to have greater openness and genuine engagement with the public.

4.44 pm

Mr. Jim Murphy: I am delighted to respond to the debate, which has, to quote the hon. Member for Aylesbury (Mr. Lidington), been another wonderful opportunity for a lively debate on Europe. I am glad that we have such a thing, on occasion.

I apologise to the hon. Member for Kingston and Surbiton (Mr. Davey) for heckling him about the constitutional nature of our Parliament being the United Kingdom Parliament rather than the Great British Parliament, but we must remember the important role that Members of Parliament from Northern Ireland play in our proceedings.

I should also like to share in the celebration regarding the absence of the hon. Member for Rayleigh (Mr. Francois). Of course, it is not his absence that gives us cause to celebrate, but the reason for it: the wedding of his assistant, Adele Smith. In a unique European union all of their own, she is marrying a gentleman from France, whose name escapes me at the moment. I think that we are all delighted about that occasion.

In the hour and a quarter that I have to respond to the debate—is that right, Mr. Bayley?

Hugh Bayley (in the Chair): It is just three quarters of an hour, to make sure that the speech fits the time.

Mr. Murphy: I shall have to curtail my remarks then, if I have only three quarters of an hour.

It is interesting that, other than in the past two or three minutes of well-rehearsed jousting, few party political points and many important, specific points have been made. Between them, the hon. Members for Aylesbury and for Kingston and Surbiton have raised 40 separate questions and points. I sense that I would lose my audience, to the extent that there is one, if I were to respond in detail to all those points from the two Front Benchers, but I shall do what I can not to try the patience of the hon. Gentlemen by taking up the entire 45 minutes available.

It will be helpful if I put on the record again, almost verbatim, what I said earlier, to reaffirm the context in which the debate takes place. The annual policy strategy is not a set of formal policy proposals, but an aspirational document. That is the understanding across member states and of the Commission. The specific documents are relevant to the Commission's legal work plan, published in October, and many of the specific points raised by hon. Members today are relevant to that.

There has been a genuine observation—frustration might be too strong a word for it—that the document lacks detail, notwithstanding that we could sustain a debate on it for perhaps three and a half hours between six of us. That is a reflection on the nature of the document, but it is also a reflection on the nature of where Europe is today: on the cusp of having a new Commission and Parliament as well as new senior representatives in 2009. That will be the end of one five-year work programme and the start of another. Most of the major legislative proposals tabled in last year's work programme were for introduction this year. It would be fairer to describe that programme as a six-month programme than an annual programme—perhaps an eight-month programme at its most ambitious—with the European elections taking place halfway through the year to which it applies.

Let me address some of the points that have been raised. I hope that hon. Members will accept that it is not practical to respond to every point that has been raised. If hon. Members will allow me, I shall respond first to the points made by those who are still in their places. I think that that is the most appropriate thing to do.

[Mr. Jim Murphy]

My right hon. Friend the Member for Rotherham (Mr. MacShane) followed an excellent speech by my hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty), who is the Chairman of the European Scrutiny Committee. I wish to put on record again the excellent work that he and others on the Committee do. My right hon. Friend the Member for Rotherham spoke largely, though not exclusively, about the western Balkans. Based on his visit to Kosovo, he rightly talked about his experiences there and the sense of shared frustration in many European capitals that the EU of 27 was not able unanimously to recognise the new state of Kosovo. However, the vast majority—20 of the 27 countries—have recognised it.

The frustration that my right hon. Friend experiences helps to disprove one of the common Conservative misrepresentations of the nature of Europe. The fact is that every member state makes its own decision on foreign policy. The member states came to their own view about whether to recognise Kosovo. As he rightly said, 42 countries have so far recognised Kosovo. I had the fantastic privilege this morning of meeting the Foreign Minister of Liechtenstein, which is one of those 42 counties. We are fundamentally committed to the settlement in Kosovo based on the Ahtisaari proposals, including the territorial integrity of a united Kosovo with no partition and respect for minorities.

My hon. Friend the Member for Luton, North (Kelvin Hopkins) intervened on my right hon. Friend and talked about respect for minorities in the north, but those of us who have paid close attention to Kosovo, including my right hon. Friend, know that most of the Serbs do not live in the north. They are in enclaves throughout the country. There is a concentration of them in the north, of course, but the majority do not live there. Some 60 per cent. live in enclaves elsewhere. My right hon. Friend will know that there is an impending donors conference on Kosovo, which is of great importance. I share his observation that the more closely the EU mission can be involved, the more significant it will be in helping to rebuild Kosovo.

My right hon. Friend also made some wider reflections on the western Balkans in relation to the annual plan, and he spoke about Serbia. Although it is for the Serbian people to decide who wins Serbian elections, it was an important statement of their aspiration that they voted for the most European-inclined parties in their general election. I wish to put on record again Her Majesty's Government's view on the condition of Serbian compliance with the International Criminal Tribunal for the Former Yugoslavia. I was at the signing of the stabilisation agreement with other Europe and Foreign Ministers of the 27 countries of the EU and with Serbia, and there is no doubt that the condition still applies. However, the judgment was made that the date at which it will apply should be deferred until after the signing of that agreement, for reasons that my right hon. Friend is well aware of. The EU countries made that judgment together, and that was the best way to progress. Of course, it is good news that one of the indictees was arrested yesterday.

We shall continue to work to find a resolution to the issue about the name of Macedonia and its disagreement with Greece. I had the opportunity to meet the ambassador of Macedonia last night at the reception for Her Majesty's birthday. Croatia, of course, will almost certainly be the next member of the European Union. We all acknowledge that.

I visited Bosnia relatively recently. The important hurdle there has been police reform, and we must continue to show support for EU representative Lajcak. I have spoken to Republic Srpska's Prime Minister Dodik on the telephone and reaffirmed that we believe in Bosnia's territorial integrity as a unitary state. It is important to put on record that we are not in the business of carving up modern countries in the Balkans on mono-ethnic lines. I look forward to following in my right hon. Friend's footsteps once more when I travel to Kosovo next week, and I hope that my words about the western Balkans reassure him.

The hon. Member for Kingston and Surbiton (Mr. Davey) made 26 or 27 separate points, and I shall try to respond to many of them, but if there are some that he thinks I have missed, we can—I am absolutely certain that we will—continue the conversation.

The hon. Gentleman mentioned energy. I have said before, and it bears repeating, that energy is an issue on which we have got out of kilter. The priority given to energy policy in the public conversation is not as it should be. It is one of the biggest strategic challenges facing Europe, but the conversation about it often relegates it to seventh, eighth, ninth or 10th in the list of priorities, or perhaps even further down. In a world of increased energy demands and curtailed energy supply, reflected by increased prices, solutions that are climate-sensitive but free from the interference of geopolitics are of fundamental strategic importance to the EU. When I was in Azerbaijan recently and met the president, that was a core component of our conversation. We mentioned the southern corridor and the Nabucco pipeline. I spoke with our ambassador in Turkmenistan this morning about natural gas supplies there. Energy is an issue of great and fundamental importance. I am not au fait with the detail of the refineries sector, but I shall look into the hon. Gentleman's fair point about it.

Energy is one of the matters that concerns politicians across the political divide. There is no party politics, which shows the importance of energy sources and supplies and the diversity, security and predictability of routes to market. It is disappointing that on occasion, Russia has used energy policy as a tool of foreign policy. That frustration is reflected in other European capitals.

The hon. Gentleman mentioned climate change, entirely properly. Europe has to show leadership up to Copenhagen and beyond on our renewables targets and the deal that we have signed up to. Of course we have to be sensitive to national pressures on occasion, such as the niche markets in German car production, but if Europe does not lead on climate change and sustainable consumption, on developing low-carbon technologies and on the type of work that the hon. Gentleman spoke about—consumer and climate-sensitive ways to change customer behaviour—it is difficult to imagine how we can construct a global deal on climate change with the United States, Russia, China, Brazil or any other strong or emerging economy.

The hon. Gentleman mentioned the Government's position on Turkey. In light of the constitutional court judgment about the wearing of the hijab, it is important to put on record our view that Governments should be decided by the electorate, not by the constitutional

court. It is a bad signal for a modernising Turkey to be caught in that domestic crossroads in deciding its future. The Government's view is that Turkey's secular destiny is not in jeopardy under the governance of the AK party, but the constitutional court will come to its decisions.

The importance of Turkey's accession to the EU is that although it must resolve the situation at its domestic crossroads and be a constitutionally guaranteed secularised state, it is also at an international crossroads in its relationships with the middle east, the Islamic world and across the globe. It will be another strategic addition to the EU as an organisation. Turkey is an addition economically, culturally and in all sorts of different ways. The issue of admitting Turkey would be a remarkable opportunity for the European Union to expand its reach and influence beyond its current borders.

A number of other issues were raised about energy efficiency by the hon. Member for Kingston and Surbiton. Energy efficiency is important, which is why the proposals in the European Union 2020 strategy are about standard labelling of appliances; minimum equal standards for buildings; vehicle efficiency standards, and much more.

I would like to turn briefly to some of the questions raised by the hon. Member for Aylesbury; we look forward in the future to having the opportunity perhaps to hear from him again in European debates. He raised a number of points, including points about Doha; better regulation; economic migration; justice and home affairs; the energy market; agency workers; the European institute of technology; communications, and much else besides. I hope that he will accept that I am not attempting to avoid answering any question if I do not go into all of those points in great detail; it is my style to try to answer questions, but he would not thank me for doing so in great detail.

Regarding Doha, quite simply it is the Government's single greatest trade policy priority. We want to see a deal and the Secretary-General of the World Trade Organisation thinks that there still can be a deal, but time is against us. There is a need to come to at least a preliminary deal on agricultural products. So we are working from the Prime Minister down within Government to get a deal on Doha.

On the issue of better regulation, the fact is that the Commission is making progress on better regulation from a relatively slow start. Mr. Bayley, you will be aware that I was previously the Minister responsible for better regulation in the Cabinet Office; I must curtail my own remarks here to just a few sentences, although having done that job for a year I could offer more than a few. As I say, the fact is that the Commission has made improvements from a slow start, but it has to go further: it has to have better and wider consultations; it has to involve small businesses in particular in consultations; in its impact assessments, it has to see how much more it could do to give a monetarised value of the likely impact of measures, and it should revisit its impact assessments to see how effective they were in predicting the actual cost of regulation.

So there is much more that still can be done about better regulation. However, this Commission, under President Barroso, has made real progress and there is a real appetite in member states to see further progress being made and the United Kingdom Government are at the cutting edge of that ambition.

Regarding the issue of justice and home affairs, our view is that there is now a genuine respect in the European Union for what one would call the common law tradition. The United Kingdom, Ireland, Cyprus and Malta primarily form what is called the common law club, but there is a real respect and sensitivity to the common law tradition and that is important.

In respect of economic migrants, countries already have flexibility. The United Kingdom, of course, chose one route in terms of openness of Labour markets on economic migrants. At that time, Sweden, the Republic of Ireland and the United Kingdom took one view and 22 other member states—I think that was the total—took a different view.

On agency workers, we think that our approach is right. The deal that we have come to with the CBI and TUC, which is now being agreed in Europe, is the right approach for the United Kingdom. It reflects the nature of the structure of the UK economy and the relative importance of temporary employment in the UK, notwithstanding the fact that the UK has a much lower level of temporary employment than many other EU member states that have signed up to a different version of a deal on agency workers.

Regarding regulation of the financial markets, I apologise again to the hon. Member for Aylesbury for my earlier intervention from a sedentary position; I was aiming to be helpful, rather than to show poor manners, by saying that what we are talking about is transparency. Transparency is really what we are talking about, both in global markets and in European markets, and we would do nothing that would jeopardise the competitive advantage of the City of London. We are not interested in doing that—it is not a conversation that we will get involved in—but it is important that we have transparency.

Finally, a small number of technical points were raised and I will just address one. The hon. Member for Kingston and Surbiton asked about shared partnerships; I am surprised that he is uncharacteristically under-briefed, as I read out my brief to him. Shared partnerships is about the single market review and about using a wider range of policy tools; it is a non-legislative approach to modernise the single market, based on consultation with business and member states, and it is also about improving administrative capacity and co-operation, and building on synergies and taking, as I say, a non-legislative approach where that is possible. I am delighted to remind the hon. Gentleman that that is the working definition of shared partnerships.

With that, I would like to thank hon. Members for their participation in today's debate. We have had a thoughtful debate, free from the usual, tiresome rehearsal of clichés and point-scoring. As a consequence, we have had a relatively much more informed debate and I thank all hon. Members for that and also, of course, you yourself, Mr. Bayley, for presiding over our proceedings today.

Question put and agreed to.

Adjourned accordingly at six minutes past Five o'clock.

Westminster Hall

Tuesday 17 June 2008

[DAVID TAYLOR *in the Chair*]

Helmand Province

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Blizzard.]*

9.30 am

Mr. Adam Holloway (Gravesham) (Con): It is a pleasure to serve under your chairmanship, Mr. Taylor. I thank Mr. Speaker for allowing this important debate. Britain is at war, and we have spent too little time discussing and scrutinising what the Government are up to. I also thank the Minister and his team.

I start by paying tribute to our troops who have died in Afghanistan, their families, the injured and those who remain in the Helmand desert.

On 11 September 2001, the west had the sympathy of the vast majority of people in the Muslim world, who were against attacks carried out by a load of nihilist extremists. In the days following those attacks, western Governments—including our own—realised the enormity of the problem that we faced and within months had successfully defeated the Taliban and expelled al-Qaeda from its operating base there. Afghans literally danced in the streets in gratitude for their release from a mediaeval regime and from their hated Arab guests. At that point, there was a massive opportunity to make progress and good will on the part of the Afghan people to accept foreign aid and development. Although General McColl managed to get a tiny £2 million for development from the Department for International Development, the reality in Whitehall was that we were not concentrating on Afghanistan or more generally on al-Qaeda. Instead, we were focusing on a crazy and quite unnecessary invasion of Iraq.

Despite our early success in toppling the Taliban, almost everything we did afterwards undermined the massive amount of good will we had across the Muslim world after 9/11. Today, al-Qaeda are no longer seen as a bunch of extremist crazies; they are, to some extent, seen as heroes fighting against what they perceive to be an arrogant west. I fully accept that—with the possible exception of Iraq—our Government have acted in good faith and realised the seriousness of our situation, but I also believe the way we have executed this operation has been incompetent and half-cocked.

An awful expression that does the rounds in Whitehall these days is, "We are where we are". So, where are we now in Helmand province? There are 102 British dead and hundreds have been grievously wounded, many of whom would be dead were it not for modern protective equipment. That is why so many people survive but lose limbs. No one knows how many Afghan civilians have been killed and some say that 7,000 Taliban are dead. We should remember that those people are mostly local people with extended families. The Taliban's in-country command and control is in bits and we have killed many of their experienced commanders and tribal leaders. We might think that that is a good thing, but a newer, younger, more radical group of leaders might be emerging who are less likely to negotiate. That means we are facing more asymmetric attacks.

Despite gigantic spending by the UK, minute amounts of reconstruction have taken place. Last year, there were only 57 doctors in Helmand for a population of more than 1 million people. We have been there for three years, so that has happened on our watch.

Where is the security? To the Afghan population, the most visible sign of the Afghan Government is the Afghan national police. We must do more to get the police under control, because at the moment we are not doing anywhere near enough. The roads and security infrastructure that we have built are often used to make it easier for the police to rob people. The other day, I spoke to an interpreter I used 18 months ago in Lashkar Gah: he told me that a teenager was recently abducted from his small settlement and returned in the most awful physical condition, having been repeatedly raped over three days.

Although the UK has taken the lead on narcotics, heroin production has massively increased. Many millions of small arms, well over 30,000 artillery rounds and probably 100,000 Apache rounds have been fired, but to what effect? I have not been to Helmand for more than a year, but I think I am the only person in the House who has been to Helmand outside the Ministry of Defence, Foreign Office and DFID envelope. I have been there a couple of times at my own expense to talk to and spend time with ordinary Afghans. Before we arrived in 2006, Helmand was a pretty quiet place. There were 40 US troops in the base at Lashkar Gah, and at that time I wandered around the town and asked people whether they welcomed the arrival of the British. They said, "If the British bring security and reconstruction, they are welcome, but if you cannot bring peace and development, you should go home."

The Afghans themselves will decide who wins in Helmand and whether that will be the corrupt and frankly remote Afghan Government backed by the international community or the Taliban. It is incredibly important to focus on the needs of the ordinary Afghan, because the consent of the people is, in military terms, our vital ground. Three years after the arrival of UK forces, the Afghan civilian population can quite reasonably be disappointed. We still have their consent, but it has declined rapidly and markedly in the past three years. The Afghan people do not want the Taliban back, but that does not mean they will support us.

On the military, when Colonels Worsley and Messenger were busy setting up the provincial reconstruction team and Camp Bastion, others were busy—mainly in Kandahar—writing a joint plan for Helmand province. When 3 Para and Stuart Tootal arrived they were accompanied by a huge logistical chain. People were pretty confident that there would be enough troops to secure the area around Lashkar Gah and implement the plan—the ink-spot strategy—whereby development could take place and reconstruction would slowly spread across the province.

General Omar Bradley said that amateurs talk tactics, but professionals talk logistics. At the weekend, a modern British general said to me that he would change that comment: he would say that professionals talk command and control. That was a problem we faced in summer 2006, when there was a massive deviation from what

[Mr. Adam Holloway]

sounded like a pretty reasonable plan. That deviation has set the whole tone for Helmand ever since and has resulted in massive violence. Partly because of that, reconstruction and development have been minuscule.

In summer 2006, we found ourselves with an extremely confused command and control structure. There was the Government here, the chiefs of staff, the NATO command chain, a Canadian brigadier general in charge in Kandahar, a British 3-star in Kabul, a commander of the Helmand taskforce, and the commander of the British forces—the brigade commander for the Paras, who was in an ill-defined and difficult position. At the same time, there were a load of Afghan district governors around Helmand, the governor of Helmand himself, and President Karzai. Those were all conflicting interest groups.

The result of the lack of clear command and control was the decision to dump the Afghan development zone plan and move relatively small numbers of troops to remote locations in the Government district centres in northern Helmand. That turned what should have been a slowly spreading ink-spot strategy into a violently flicked ink splatter. The result of what is now known as the platoon house strategy has been the deaths of dozens of British servicemen and hundreds of civilians.

Inevitably, any thought of development was a low priority when the British were dealing with that very difficult military situation. At the time and since, a number of British officers have complained that although there were things that they could have been doing in those areas, they simply did not have the budget to do them. The number of troops that we had in the new situation was just too low to make them anything more than self-defending targets for the Taliban. Thousands of refugees were created, and the towns sustained large amounts of damage and ceased to function properly. That was hardly the security and reconstruction that the Afghan population had expected.

Later, the military realised that after the platoon house strategy, there was an urgent need to get on with the hearts and minds effort. That was an unintended consequence of the platoon houses. Perhaps not unreasonably, the civilian agencies, including DFID, considered development activity far too dangerous because of the violence. Over time, that has become a problem, born of the military's view, which is still held, that the civilian effort in Helmand, particularly that of DFID, has failed them.

What of DFID? Even if the military had stayed with the plan and got everything right, there would still have been the difficulty that military personnel could never on their own solve the problem. NATO and our Government understand that all that the military can do is to provide the secure environment in which other things can happen and take effect. We talk an awful lot about the comprehensive approach—security, governance and reconstruction—and it sounds great, but a villager in Helmand could be forgiven for asking where that is and what the British were talking about.

Where is the reconstruction in Helmand? The British effort falls largely to DFID, but that is not an organisation charged with supporting the military effect. It likes to remind us that it is charged by law with the higher purpose of poverty reduction. Its whole philosophy and method of operation means that it is simply not geared to support military operations. As one senior officer put it,

"the military secure areas, but the civilians are way behind the military effort... we are lagging behind the rhetoric.... The problem is that DFID do not see themselves as part of our foreign policy."

That statement came this weekend from a very senior serving general. People can wag their heads, but that is the truth; it was said by a 3-star or 4-star general this weekend.

DFID believes that the best way to help a country is to support it with long-term initiatives. As one senior DFID official put it to a friend of mine,

"we don't do bricks and mortar".

DFID is not there for such initiatives; instead, it wants to undertake long-term projects working with Government Ministries. That is fine in theory, but in Helmand we do not have the time for that. DFID is simply not configured to do what the major on the ground needs to be done before, during or after military operations. It is not configured to help that major to regain hearts and minds.

Mr. Julian Brazier (Canterbury) (Con): My hon. Friend is making a compelling case. Does he agree that there is a sad degree of repetition in this debate? Just a few years ago, when we had the debates on the invasion of Iraq, we were repeatedly assured that DFID would be there, just behind the armed forces, and that reconstruction would take place in Iraq. Is it not sad to hear exactly the same story about what is taking place in another country a few years later?

Mr. Holloway: Of course it is a tragedy, but as I will go on to say, we cannot blame the DFID staff for it. The problem is systemic.

Mr. Brazier: It is the Government.

Mr. Holloway: Indeed. To follow on from what my hon. Friend says, it was under huge pressure that DFID put people into the provincial reconstruction team in Lashkar Gah, but since they arrived there, they have found it hard to leave the compound. When they do it is mainly to visit the provincial capital, where the PRT sits. According to another friend of mine, many projects are evaluated on the basis of digital photographs taken by the military. According to a parliamentary answer, the cost of keeping an official in Helmand is £250,000 a year. Of course, a large component of that is security. I accept that some of the work is highly impressive—it ought to be, given the money that is spent. I also accept the commitment of DFID staff, who try to do the right thing.

Another very experienced person I spoke to, who is not entirely unknown to the FCO's payroll, said,

"DFID only do things in Helmand under duress."

Someone else, who is well known to DFID staff in Afghanistan, described their working arrangements as "ludicrous, completely ludicrous", as they work six weeks on, two weeks off.

"The cumulative impact is terrible. They come back from leave and spend the first two weeks catching up. They will also probably find themselves having to do the job of someone who is away on leave at the same time. They might then be able to spend a couple of weeks focusing on the job—then they are getting ready to go

away again, to hand over to others without a grasp of the brief. All this in a country where trust and personal relations are incredibly important when dealing with Afghans. And then they are only generally in country for nine months all in."

I should like to hear later whether the Minister agrees with that assessment and that the working pattern should be changed.

The Minister has had a team of people working on this debate, and I am sure that when he speaks he will list all the wonderful achievements of DFID in Helmand, but unfortunately many people, certainly in the military, would not agree. Anyway, even if we have carried out a gazillion projects successfully in Helmand, what does that really matter if ordinary Afghans do not feel that we have made a difference to their lives?

A friend of mine recently turned down a job working in the PRT. She said that there was no point in going there because she did not feel that she would be able to achieve anything. She said:

"The bottom line is that we need to change. We need to accept more risks in terms of what we do, where we go."

I think that DFID is sending or has sent about 40 new people to reinforce the civilian effort. It will be interesting to see whether that large influx of people makes a difference. I hope that it does, but I do not know. It may be too late.

Why have we not pumped money into the Afghan and international non-governmental organisations that do exist? Why have we not stepped up the cash-for-work schemes? Why have we not made more use of the local village shuras and got stuff in at ground level? What about the national development programme or the unused capacity of the Bangladeshi charity? Perhaps that is why the Minister is going to Bangladesh later today; I do not know. The Central Asia Development Group has just finished a major project for USAID—the United States Agency for International Development—and has bags of capacity right across the province; why are we not paying it to do some of the work? Why are we not using private companies that will take the risk? I am talking not about men with gun trucks, but about people who can get out a little further. They can be directed by DFID staff inside the PRT. The Germans are doing very well in this respect. Why can we not try to persuade the Germans to get down there and do some of the work? I hope that the Minister will have some answers to these questions.

The new brigade commander in Helmand, the razor-sharp and remarkable Mark Carleton-Smith, went out to Helmand a few months ago, determined to change the focus from dealing with the Taliban to dealing with the needs of the Afghan people. I have no idea whether his initiative is responsible, but I have the feeling that a shake-up is going on in Whitehall on precisely this question of what we do with the civilian effect. Unlike the Minister, I do not have chapter and verse on what DFID has been doing in those years, but I do know that a shake-up is taking place. I shall give the House a taste of it.

For example, the Prime Minister's delivery unit is reviewing public service agreements on conflicts and reporting to permanent secretaries. A stabilisation and civil effect review has been set up by the Cabinet Office, and the taskforce will report to permanent secretaries on 1 July and to Ministers in September. A couple of things that have been a particular focus for them are specific questions on staffing in the Helmand PRT and risk management for personnel, and the feasibility of producing a framework that incorporates the FCO and the MOD. I would like to hear the Minister's view of that. The Government are also considering setting up a civilian reserve corps, and a cross-Government capacity for interpretation and translation.

I do not complain that the Government seem at last to have woken up to the fact that there are problems. I do not complain that new staff are heading out there. I do not complain about DFID staff, or that the Government have belatedly sent one their most able people—Hugh Powell—to Lashkar Gah. That was long overdue. However, I complain bitterly on behalf of our troops sitting in the Helmand desert, in the green zone and in remote locations, and I complain bitterly on behalf of the Afghan civilian population, who had such high hopes of us.

I wonder what on earth the Government have been doing. The Defence and International Development Committees go out there regularly. Every time we are given the same good news story, but it is not reflected on the ground. It is like smoke and mirrors, with everyone lying and deluding themselves. That is certainly how it feels from my perspective. As one Government employee put it to me yesterday:

"We realise it is now time to start taking it seriously".

It is bad enough that, on the home front, money is wasted and spin machines come into action, and that ideas are not executed properly or were half-cocked in the first place. The Government saw great opportunities and important things that needed to be done, such as spending more money on the NHS and health and the new deal, and they won that argument massively. But the problem is that the same arts used when confronting failure here are also applied to Helmand province, and I am sorry to say that the matter is too serious for that.

It may be against Conservative party policy, but I believe that it is time for DFID to come back under the control of the Foreign Office, becoming once again an arm of British foreign policy. The lessons of history tell us that we need unity of command for counter-insurgency. The NATO set-up lacks coherence, and even in Britain people have often not been conducting a single policy. It is time to adopt the Templar model from Malaysia. We need an overarching boss to be in charge, and a committee system. Even in Whitehall, no one is in charge. It could be argued that we have Cabinet Government. Fine, but where is the War Cabinet? As I shall say later, this policy has potentially catastrophic effects for people in Britain.

Let us not kid ourselves. We have been there for three years, but an awful lot of people in Helmand are disappointed, and some of them are pretty angry with us. One of our commanders described it as a

"declining glide path of consent".

It is like an aeroplane, but we need to watch out or the plane will land. Does the Minister agree?

What should we do? I have focused on Helmand province, but I fully acknowledge that the picture is not gloomy everywhere, that large areas of Afghanistan are at relative peace and that reconstruction development is taking place. However, I guess we should expect that, given the hundreds of billions dollars of taxpayers' money from across the world being spent there.

[Mr. Holloway]

I want to shoot a sacred cow. Whenever people talk about Afghanistan, they say, "It is vital that we remain in Afghanistan; we are there to stop al-Qaeda regrouping and returning to threaten us." That is nonsense on several fronts. First, the effects of our over-ambitious and ill-resourced plan has been further to radicalise large numbers of people across the Muslim world.

We often talk about al-Qaeda and the Taliban as if they are the same thing. There is a significant difference. The Taliban are largely Pathan tribesmen with a traditional and nationalist agenda and no foreign policy. On the other hand, al-Qaeda is a loose international nihilist movement with a highly developed foreign policy and the intent, and, regrettably, sometimes the capability, to conduct mass casualty attacks across the globe. They are two completely different things.

Mullah Omar himself is reported in the late '90s to have been perturbed at the internationalist agenda of the Arabs that Abdul Haq had invited into the country earlier. Indeed, in 1998 Prince Turki, the internal security Minister for Saudi Arabia and later the Saudi ambassador to London, landed his jet at Kandahar in order to take bin Laden away. Mullah Omar was going to hand him over. Only after a shura to discuss the matter was it decided that they would not hand him over. Some people who know these things better than I do swear blind, although it is surprising to me, with my western point of view, that the only reason why Mullah Omar and the shura decided to let bin Laden stay was the pashtunwali code under which guests are protected.

To assert boldly that al-Qaeda will return to Afghanistan in a meaningful way is almost ridiculous. It is not the same situation as in the 1990s, when we ignored the place. Whatever we do in future, we shall still have an interest there. Since the 1990s, we have had huge signals intelligence, with huge overhead assets and loitering military assets in the sky. Almost every square centimetre of the country has been mapped. If they began to return—I cannot believe that the Afghans would wish to wreak the same disaster on themselves as happened in 2003—we would be able to deal with them.

While we pour life and resources into Afghanistan, that contributes to al-Qaeda successes in the Pashtun tribal belt in Pakistan itself. Pakistan is important to the United Kingdom, as many of our citizens have one foot in there and one in the UK. It is helping radicalisation in the "-stans", in the Maghreb, in east Africa and across the towns and cities of the Muslim world, including some of our own cities.

The trouble is that by making the link between al-Qaeda and nationalist causes around the globe, we help al-Qaeda. Last week, at a Conservative middle east council event, my right hon. Friend the Member for Witney (Mr. Cameron) made the following observation, although he was not directly referring to Afghanistan. He said that we need to understand that

"we're not engaged in a single struggle against a single protagonist. We're not engaged in a clash of civilisations, and suggestions that we are can too easily have the opposite effect to the one that you intend—it makes extremists more attractive to the uncommitted. Yes of course there are connections between terrorist activity in different parts of the world, but we have be to a little smarter in how we handle those connections. Our aim should be to dismantle the processes, separating each component part rather than just sort of amalgamating them into a single global jihad that just becomes a call to arms."

I totally agree with my right hon. Friend.

We need a realistic long-term policy for Afghanistan. Does anyone seriously believe that Britain and the west will be able to continue with this relatively large-scale loss of life and spending billions and billions of pounds for many years to come? I cannot see it happening. We know that some NATO countries are wobbling because of the cost and the lives lost. It is time to scale down from what we would like to do to what we are able to do.

I do not pretend to be a great expert, but I have spoken to a lot of people who are—I am talking about people who have been there for longer than a six-month or nine-month tour, or through the changeover and reshuffles and so on. The consensus among them is something like this: we need to accept that large numbers of people in Helmand province are deeply traditional, xenophobic and resistant to change, and that most Afghans hate the Feringhi—the foreigner—especially if they pitch up in armoured vehicles and attack-helicopters. We cannot impose democracy at the point of a gun, so we need to play the great game in a new century and urgently bring the Taliban into the process with a national programme of local arrangements for different areas.

To the Government's credit, some of that is happening behind the scenes and through various other initiatives that I shall not raise now. However, such a strategy should be brought centre stage, regardless, frankly, of what President Karzai says. We need a sort of "You leave us alone, we'll leave you alone" approach and a bit of pragmatism. At the same time, we need to support intensively development zones and areas of the country that are at relative peace, reduce troop numbers to those that can be supported in the long term and focus our efforts massively on training the Afghan army and police.

I am not saying that we should disengage militarily. We should have small groups of troops on the ground, working with the Afghans; but it must be their show, and we must accept that it might not be very pretty. We should also be ready, at the drop of a hat, to send in helicopter-borne men with unseasonal suntans at dead of night, and to use missiles or bombs or whatever else at the slightest whiff of resurgent al-Qaeda.

It is time to stop seeing the Afghan Government as the key channel of development. We need development at local level and to let people locally decide what they want. We should let them start to feel some benefit from the presence of all those foreigners in their provinces. I am sorry to say this, and it may not be popular, but important aspirations such as women's rights and opium production will just have to wait until the reality on the ground catches up. We are there either to fight and defeat an insurgency and reduce poverty or we are not. In short, it is time to get a little bit of peace through reality—we could describe it as the great game crossed with ballistic missile, submarine and special-forces diplomacy, underwritten by massive development spending.

Mr. Brazier: My hon. Friend's speech is most compelling, but surely the point about the great game was that, again and again, we found ourselves fighting Pashtun tribesmen who were sheltering, because of the rules of

hospitality to which he referred, the most repulsive Deobandi extremists, who came mostly from the centres of the big cities of India. I agree with most of the things that he has said, but we must surely recognise that the country's structure and remoteness makes it an ideal base for similar extremist insurgents to shelter, on the back of those historical rules of hospitality.

David Taylor (in the Chair): Order. Interventions should be brief.

Mr. Holloway: What my hon. Friend said is superficially true, but there is a big difference now from the situation 150 years ago. Our intelligence picture is likely to be considerably better and we will have something resembling an Afghan state. We are making a big mistake in the so-called war on terror—I would love to think of a different name because that is not apt. There are lots of broadly nationalist movements in the middle east and we make our problems worse because we lump them together with the super-extremists. We must start to separate al-Qaeda from the Taliban and other nationalist movements in the region. As my right hon. Friend the Member for Witney suggested, although not directly vis-à-vis Afghanistan, we must dismantle the problems one by one. Take, for example, the Israel-Palestine problem. The Government, massively to their credit, have realised that it is one of the big games in town. We must pursue that approach, because until we get rid of those problems and separate them, al-Qaeda will mix in like those Indian troublemakers in the Pathan tribal belt all those years ago.

That neatly leads me back to the wider picture. I spoke at the beginning of my speech about the drivers of radicalisation. Three years ago, no one outside Helmand had heard of places such as Sangin, Gereshk, Nowzad and Musa Qala. Today, they are clearly on the map and internet sites of the global jihad. I again assert that we are in Afghanistan for well-intentioned reasons, but how does the Minister think that TV news footage of war fighting plays among impressionable Muslims even in this country?

The primary purpose of going to war in Afghanistan was to deny al-Qaeda a safe operating base. We achieved that aim a long time ago. Our secondary objective was the destruction of the Taliban. However, frankly—let us have some realpolitik—that appears to be beyond our means. Commanders can tell us that we are winning until they are blue in the face, and that increasing numbers of suicide and roadside bombings prove that, but, at some point, as in every other insurgency historically, we will have to make a deal with the Taliban. I have some sympathy with the argument that we must beat them to some extent and make them realise that they cannot win before we can make such a deal. Does the Minister agree that now is the time for a deal?

The big strategic challenge for our generation is to win back the good will of all those people who were with us on 11 September 2001. We must do that over the next six months, or over 10 or 30 years. We must take al-Qaeda back to where it was, in terms of popular support across the world, in 2001, which was frankly nowhere. At the same time, in parallel, we must reduce its residual capacity.

What we have been doing in Afghanistan is a long-term liability for the UK. It has been ill thought out and is counter-productive, and it is a further driver of radicalisation around the world and in this country, all of which contribute to our wider strategic failure.

We have lost immeasurable amounts of good will since 11 September 2001 and it continues to haemorrhage away across the Muslim world and Pakistan in particular. It is time to free up resources to deal with the much more serious strategic threats that we will face in the coming months and decades. We need to win back that good will and fight the battles that really matter. When we do those things, we might be doing something to make our people safer.

10.9 am

Willie Rennie (Dunfermline and West Fife) (LD): I am not quite sure how to follow that excellent contribution, which was rather colourful in places. Nor am I sure whom the hon. Member for Gravesham (Mr. Holloway) was referring to when he mentioned helicopters and unseasonable suntans in the middle of the night, but he certainly added colour to our proceedings.

It feels like the old gang are back together because the hon. Gentleman, the hon. Member for North-East Milton Keynes (Mr. Lancaster) and I visited Afghanistan together as members of the Select Committee on Defence. Thanks to the Pakistan air force, however, I never actually made it to Helmand—that was not because of a clash between the Governments of Pakistan and Afghanistan, or because of a war of words, but simply because an innocent prawn cocktail made sure that I stayed in the base in Kabul. I was disappointed not to have made it down to the south to see the provincial reconstruction teams for myself and hear from the troops about their experiences of development work.

As he has shown this morning, the hon. Member for Gravesham has extensive knowledge of Afghanistan and Helmand. He is probably the only Member of Parliament to have visited the country using his own means and to have heard about the situation in the south for himself—without spin and without being influenced by Government officials. I do not necessarily agree with all his analysis and I do not claim to be as knowledgeable as him—I simply go on the information and advice that I receive from various reports—but I am not as pessimistic as him. Excellent work is being done, although there are challenges.

The Liberal Democrats support the mission in Afghanistan, although we recognise that we should not use the grand rhetoric that Ministers have unfortunately used about it, including in the past week. The task ahead is extremely hard. We should not always talk about democracy and human rights in Afghanistan in terms of British standards, and although we should always strive to achieve the best, we should be realistic about what we can achieve.

One of my main criticisms is that we took our eye of the ball in Afghanistan when we invaded Iraq. The efforts of the great minds in the Department for International Development, the Ministry of Defence and the Foreign Office were primarily focused on Iraq. Massive numbers of troops were in Iraq at the time, but that was exactly when we should have been investing in reconstruction in Afghanistan, particularly in the south. We should not have started investing five years later, when we had already started to lose the hearts and minds of people in the south.

[Willie Rennie]

None the less, the Liberal Democrats support and completely agree with the comprehensive strategy that the Prime Minister set out at the end of last year. There are issues about implementation, but we agree overall with the strategy, which takes a sensible approach.

Distinguishing between the different players in the south of Afghanistan—whether they are Taliban, al-Qaeda, Pashtun or tribal leaders—is difficult. That is why we need the professionals and the military on the ground to determine who is what. People will shift between the different categories at different times, but we sometimes look at these issues far too simplistically. I agree that we should be more sophisticated in our approach to identifying who is hostile and who is not. We should leave it to those on the ground to determine such things. Sometimes we will think that people are friendly, but they will suddenly become hostile again because they fear that those who are hostile will be stronger than those in our military. The answer is to use the military and the professionals on the ground to make the judgments. Foreign Office officials recently got into difficulties when they were negotiating with individuals in the south. President Karzai did not appreciate the fact that they had gone beyond what he thought was their remit. These are difficult issues, and we must be intelligent in our approach.

The Minister might be aware of the Oxfam report "Afghanistan: Development and Humanitarian Priorities", which was published in January. Oxfam has been very critical of the humanitarian and development effort. In the summary at the beginning of its report, it says:

> "While aid has contributed to progress in Afghanistan, especially in social and economic infrastructure—and whilst more aid is needed—the development process has to date been too centralised, top-heavy and insufficient. It is has been prescriptive and supply-driven, rather than indigenous and responding to Afghan needs",

which is very much what the hon. Member for Gravesham said.

The report covers a huge range of issues. I do not necessarily agree with the tone of some aspects of it, but it is pretty comprehensive. It covers aid effectiveness, governance, agriculture, counter-narcotics, education, health, the protection of non-governmental organisations, community peace building, regional action and the provincial reconstruction teams, and I want to spend quite a bit of time discussing how effective the PRTs have been. However, the main criticism in the report is that the Afghans have been fed a diet of development over which they have had little say, that has been delivered by outsiders and is not good value for money. Before I look at that, however, I want to discuss how much of the aid pledged by foreign Governments has been delivered.

Since 2001, $25 billion of aid has been committed, but only $15 billion has been delivered. I am aware that more money was committed at last week's conference, but I am not sure how much of it was new money and how much has been delivered already—only time will tell which category it falls into. According to the Agency Coordinating Body for Afghan Relief—an alliance of international aid agencies working in Afghanistan, of which the Minister will probably be aware—the US is the worst offender, having delivered only $5 billion of the $10 billion that it has committed. We should be generous to the US because it has committed considerable sums—much more than any other individual country—but there is a difference between pledging and committing. The UK, Canada, Italy and Japan have a good record of delivering on their pledges, but there is still a $10 billion shortfall overall compared with the amount pledged. The UK has a £200 million shortfall for 2002-08. Why has that money not been spent? What, in general, is the Minister's response to the report?

Another issue picked up by the Oxfam report relates to value for money and local delivery. Large chunks of the aid that is actually delivered flow back out of the country simply because we use external contractors, advisers and consultants, rather than indigenous support. According to the Oxfam report, about 40 per cent. of the money spent by the donor countries, including the US and the UK, goes into corporate profits, consultants' salaries and other costs. That vastly pushes up the cost of projects, so we get less for the money that we spend.

For example, a road between the centre of Kabul and the international airport cost the US $2.3 million per kilometre, which is at least four times the average cost to the Afghan authorities of building a road. To take another example, a classroom costs $14,000 when built by the Afghan Government, $17,000 when built by NATO, $21,500 when built by a private contractor and a staggering $51,000 when built by an international developer. I am sure that there are sometimes reasons why it is appropriate to use an international developer, but I would hope that this is an extreme case and that such things are not common. My fear, however, is that they are. Perhaps it is far too easy to opt for an international developer.

I appreciate that DFID has a good track record of trying to filter money through Afghan institutions, including the Afghanistan reconstruction trust fund, but US aid is bypassing the Afghan civilian Government. What discussions have our Government had with the US Government to spread the lessons learned from DFID's good practice and to allow the United States to benefit from our knowledge? It is important that Afghans see the money being spent wisely, but it is also important to us to ensure value for money. What monitoring measures are in place to ensure that?

There are about 25 provincial reconstruction teams, led by 13 different nations, and standards and operating practices for each PRT are an issue. Although we do not want complete uniformity, we want some consistency among the PRTs and a general working practice. According to their mission statement, PRTs should

> "assist the Government of Afghanistan to extend its authority, in order to facilitate the development of a stable and secure environment in the identified area of operations, and enable Security Sector Reform and reconstruction efforts".

However, the handbook also says that there should be an interim structure.

Oxfam has criticised the PRTs for going well beyond their remit at the expense of the development of local Afghan institutions and Government structures. Rather than a help, the PRTs could be seen as a hindrance. Whether to use PRTs and quick improvement projects to ensure early delivery is a dilemma. Making immediate improvements to the quality of life in an area demonstrates to the individuals living there the clear benefits for their families of having the British military on site. But if we are trying to build up Afghan institutions, we must

sometimes wait, but how long should we wait before institutions are ready to deliver their own reconstruction? Developing their skills and capabilities helps the Afghan Government to gain authority in the regions. That is another part of the parcel.

Security is obviously important. Members might be aware of the story of two Afghan decorators who were hired to spruce up a local school in Musa Qala. Refreshing the rather untidy and unkempt school was supposed to be a good-will gesture to the local community, but during the decorators' 50-mile trip back to their house after completing the task, their convoy was ambushed. The Taliban discovered that they had been working for the British, and they were promptly hanged.

In that climate, why would any citizen of Afghanistan want to help the British? Their security is not personally guaranteed, and locals are not absolutely convinced that the British will stay there for a long time. In Musa Qala, for instance, we had control and then lost it, and now we are back in. How many Afghans in Musa Qala believe that the British will be there for the long run, and wonder how long it will be before the Taliban come back? Why would they help in those circumstances? I understand the difficulties of trying to build up local structures and local capability for reconstruction, but in that climate—again, I depart from the hon. Member for Gravesham on this point—it is perhaps no surprise that outside agencies are reluctant to enter zones where even the security of Afghanistan's own citizens is not guaranteed. Again, that is a matter for the professionals on the ground.

It has been asked whether we are too risk-averse. Are we sending the appropriate individuals to such areas to help with indigenous reconstruction? Are we being too timid in our approach? A risk assessment needs to be done. It is not for us to make that decision in this Chamber—it must be made by those on the ground with an understanding of security and safety—but it is a problem. Indigenous reconstruction is not happening at the pace that Oxfam and others would like.

Oxfam says that we should restrict the use of PRTs to situations in which they are absolutely necessary, and the security situation prevents other development. Those are the parameters for risk assessment. The Select Committee on International Development found in its report on Afghanistan:

> "If the goal of the international effort is to build up Afghan capacity, PRTs should not perform functions which could be performed by Government of Afghanistan structures."

I think that everybody would agree with that, but exactly when does that happen? When is it safe to allow external bodies to come in and help with a reconstruction effort that is primarily indigenous? That is a decision for the commanders and professionals on the ground.

Concerns have been expressed about the lack of funds flowing through to the military when the conditions—

David Taylor (in the Chair): Order. I ask the hon. Gentleman to draw his remarks to a close in order to give the Opposition Front-Bench spokesman and the Minister time to reply.

Willie Rennie: Certainly, Mr. Taylor. I am coming to the end of my speech.

There are questions whether funds are flowing through to the military at the appropriate time. Concerns have been expressed that the military do not receive funds when it is absolutely clear that they should in order to complete quick improvement projects, because DFID believes that such reconstruction projects should be conducted by locals.

I have two other points to raise. One concerns police training. We heard from the Defence Secretary yesterday about the progress that has been made on police training. The Government believe that the new format of focused district development is reforming and reconstructing the police forces. I would like to hear what the magic bullet is, because it has been difficult to get the police forces on side in Iraq and Afghanistan.

The other issue is the poppy crop. Concerns have been expressed about the expansion of the poppy crop, but we hear that it is declining this year. Is that due to food prices, or is it a result of some substantial change in the security situation that has allowed farmers to adopt alternative livelihoods?

10.27 am

Mr. Mark Lancaster (North-East Milton Keynes) (Con): It is a pleasure to follow the hon. Member for Dunfermline and West Fife (Willie Rennie), who made an excellent speech. He covered some of the ground that I was going to cover, so I shall not. I thought that he got it absolutely right when he highlighted some of the problems of building capacity in the provinces, and I intend to touch on that matter in my speech.

I congratulate my hon. Friend the Member for Gravesham (Mr. Holloway) on a thought-provoking speech, much of which I agreed with, although a couple of elements I did not. He is absolutely right to say that the Conservative party's official position is not to put DFID back under FCO control. To take his speech in the round, one of his key points, with which I agree absolutely, is that we need to start looking at the whole question of development in Helmand province from the viewpoint of the Afghan. That is simply not being done to the degree that it should be. We have talked about producing community development plans via community development councils—having spoken with some councillors on my trip there a couple of weeks ago, I shall talk about that—but the fact remains that we are still not Afghan-focused.

For my part, I have not travelled under my own steam in Afghanistan. I have travelled there with the Select Committee on Defence. I also served in Afghanistan for some weeks as a Royal Engineers major in charge of delivering reconstruction and development, so I got to see some of the work at first hand, and I went a couple of weeks ago to see the work of the stabilisation unit in Lashkar Gah. That trip was fascinating, and I shall discuss some of the points that came out of it in a few moments.

In the short time that I have, I shall discuss the role of the stabilisation unit, which my hon. Friend touched on. We in this place are always slightly suspicious when Departments change their name; it is not normally a good sign, so the fact that the post-conflict reconstruction unit magically became the stabilisation unit was a clear sign that perhaps not everything was going well. However, having been to see the stabilisation unit at work in

[Mr. Mark Lancaster]

Lashkar Gah, I was encouraged that finally—some would argue that it has taken far too long—we are getting on the right track. The comprehensive approach that my hon. Friend described—security, governance and reconstruction—finally seems to be coming together, and for the first time the UK has produced a UK road map for bringing together the military effect to ensure that it contributes directly to the development needs in Helmand province. We are beginning—painfully slowly—to see the positive benefits of that.

I recall during my time there visiting a PRT in Herat province, which was not experiencing the degree of conflict that Helmand was; we viewed it as the sort of province that we hoped Helmand would be in two or three years. However, I watched the Spanish military commander and the Spanish equivalent of DFID arguing over who was supporting whom and who was in control, which was a clear message that we needed to get the stabilisation unit right to try to put an end to that type of conflict between the military, DFID and the FCO. The one message that we were given—it seems to be quite genuine—is that the unit now has that under control and no longer are the military constantly arguing or vying with DFID over who is doing what and who is supporting whom. I was deeply encouraged by that. In addition, the PRT in Lashkar Gah is now commanded by an FCO official, not a military commander, so that conflict seems to have ended.

This debate is specifically about the military action in support of development, of which I have some experience, as I said, having been a Royal Engineer working briefly in Kandahar and Helmand. While in Helmand a couple of weeks ago, as I talked with some of my colleagues in the Royal Engineers, it became clear to me that great frustrations remain about the speed at which money gets to them for delivering projects that they are asked to undertake, as the hon. Member for Dunfermline and West Fife explained—for example, road-building projects to connect the main towns of the Helmand valley.

Unfortunately, there still seems to be some rivalry over funding streams and who gets what money, and it has been argued that military support would be much greater if the process of getting money through were made faster. Indeed, yesterday in the House, I asked the Secretary of State for Defence that question, but he chose not to answer. As my hon. Friend rightly said, there is a gap between what we can realistically expect DFID operators to achieve in that difficult environment and what they ought to be achieving, given that we are entirely reliant on military engineers to deliver that effect. We have not quite managed to close that gap, but we are making progress. The gap is closing slowly, but until we close it entirely and can ensure a seamless transition, we must ensure that funding streams are available to both equally.

My hon. Friend also mentioned the police, who in any normal country are the first line in ensuring security and governance. It became pretty clear during our trip a couple of weeks ago that the police in Helmand do not have a good reputation. In fact, it was fascinating visiting the head of the counter-narcotics police, who claimed that almost every member of the normal police—if I can call them that—was a drug addict, permanently off their head on some form of drug and completely untrustworthy. They did not have the trust of the Afghan people. Clearly we must do an enormous amount of work in that area, because an effective police force is a key plank in delivering sustainable development in Helmand province.

My hon. Friend also spoke about finding alternative livelihoods for poppy farmers and argued that it might well have to wait until other things have been put in place. He may well be right. In fact, some would argue that very little progress has been made in that area since we have been there.

Mr. Holloway: I was not quite saying that. My point is that we desperately need alternative livelihoods to poppy farming, rather than to pick an argument with Afghan villagers by destroying their crops. Where are those alternative livelihoods?

Mr. Lancaster: My hon. Friend is absolutely right, and he will be reassured by what we heard during our meeting with the new governor in Helmand, Governor Mangal. He has drawn up a five-year plan—I hate to call it that, because it conjures up images of Stalinist plans—offering a clear carrot-and-stick approach to poppy farmers. By ensuring that the infrastructure is in place so that goods can be brought to market, he intends in the next few years to offer real alternative livelihoods to try to wean poppy farmers off the need to grow poppies. We were quite encouraged by the plan's detail.

Clearly, as hon. Members have highlighted, building capacity is at the heart of what we need to do in Helmand province, and Afghanistan as a whole. From my humble experience of working in Afghanistan, I have no doubt that very good work is being done as a result of the majority of DFID's efforts in Kabul in attempting to build capacity in the national Government, although some Ministries are doing far better than others—as ever, the Ministry for Rural Reconstruction and Development seems to be pushing along very well. However, translating that capacity building down to provincial level, where local Afghans will actually see a difference, is proving to be much more challenging.

During our trip to Lashkar Gah, we met some of the local government officials from each of the Government Departments who have been charged with trying to build capacity locally. What we heard was not very encouraging. Some three years ago, when we first became involved in Helmand, about 200 schools were open in the province, but today there are just 56. That is a direct example of what my hon. Friend was saying: our intervention has, to a degree, had a detrimental effect. Yesterday, when I argued with the Secretary of State for Defence in the House, he denied that those facts were true, but it is what we are being told, not by DFID officials—although they were present at our meeting—but by Afghans charged with delivery.

Mr. Holloway: I agree with my hon. Friend. One of the big problems is that we do not hear any Afghan voices in much of what we do. In my limited experience, the reality experienced by Afghans—on the other side of the barbed wire—is very different from what we hear about when speaking to our officials. I look forward to hearing what the Minister has to say about that. It is also very different from what we are told by the media.

whose interest is very limited, although Sky News is now running a week-long series of programmes—not before time. We need much more scrutiny.

Mr. Lancaster: As ever, my hon. Friend makes a valuable point. When I returned to Lashkar Gah some 18 months after leaving, I was encouraged by the fact that we could get out, which we simply could not have done when he and I went with the Defence Committee. That in itself shows progress, so we should be encouraged. Let us be clear about that.

From talking with local tribesmen and members of community councils—the very people charged with coming up with the community development plans—it became clear to me that a bottom-up approach is being taken in an effort to understand what local tribesmen want, so hon. Members should be encouraged. However, progress is painfully slow, and we need to focus on where it will make the principal difference. I listened to what my hon. Friend said, and believe firmly that DFID should focus its efforts at the local and provincial levels.

Before the Minister responds to the debate, I should like to make one point about the counter-narcotics police, as that is another area in which the Government need to be a little cleverer about how they support local Afghan organisations. We went to see the head of the counter-narcotics police, who turned the air-conditioning on especially for us. They had so little diesel that they could not afford to run the air-conditioning or their local trucks. They had been funded directly by the British Government, but an artificial timeline had been set so that, from the end of March, all the funding that had come directly from the British Government stopped.

We had decided that, by that time, the necessary infrastructure and capacity would have been built up within the relevant Ministry—the Ministry of Justice, I think—and the Afghan Government, so the money was diverted to Kabul in the hope that it would filter down to the provinces and local commanders. However, capacity had not been built into the national system and the money was not coming through. All the sterling efforts of the local commander had gone to pot because he could not get the diesel through his own system, because our Government had decided, completely artificially, that 31 March was the date that funding would stop. That is a clear example of how we need to be a bit smarter when deciding how to help people in Helmand. Artificial deadlines are based on an assumption that capacity will have been built in the provinces, and that simply is not happening. We need to reconsider what is happening there, as that is only one of many examples of how we need to do better.

10.41 am

The Parliamentary Under-Secretary of State for International Development (Mr. Shahid Malik): It is a pleasure to engage in this debate under your stewardship, Mr. Taylor. I congratulate the hon. Member for Gravesham (Mr. Holloway) on securing this important and timely debate, which has shown that Afghanistan is a country of extreme complexity that faces enormous challenges. We must not underestimate the scale of those challenges, but there has been genuine progress, to which the British armed forces and Her Majesty's Government have made a significant contribution.

It will be impossible to respond, in the time available, to all the points that the hon. Gentleman has raised. Time has flown; I had wondered whether there would be enough meat to keep the debate going for an hour and a half with just one or two speakers, but it could have lasted for four or five hours. I shall respond as quickly as possible, but my response will be slightly disjointed because I want to respond to the points that have been made.

I am pleased that the hon. Gentleman accepted that he does not know chapter and verse. At the risk of sounding slightly unkind, I must say that that was evident in part of his contribution.

Mr. Holloway: I thank the Minister for acknowledging that, but will he also acknowledge that senior people in the military have serious misgivings about DFID's performance?

Mr. Malik: I accept that Afghanistan is an extremely challenging place for all who are there trying to make it a better place for the people of the country.

It might be useful if I get straight into the meat of this debate. Following decades of conflict and political turmoil, Afghanistan is one of the poorest countries in the world and remains off track in relation to all the millennium development goals, but there has been real progress and life has improved for many Afghans. Let me illustrate some of the achievements since 2001. About 6 million children are in school, more than a third of whom are girls. That number is up from the estimated 1 million children who were in school in 2001, of whom very few were girls as they were officially denied access to education under the Taliban. The legal economy grew by 13.5 per cent. in 2007-08, and 82 per cent. of people now live in districts with access to basic health care, compared with just 9 per cent. in 2002.

Let us be under no illusions that building on those important gains will be easy. As my right hon. Friend the Prime Minister said last week in Prime Minister's questions, we are in it for the long haul. Neither the Taliban nor illegally armed groups pose an immediate and credible threat to the overall authority of the Afghan Government, but in the south, in particular, security is fragile, which makes it difficult for Afghans to live and work in safety, and for aid workers to operate.

Mr. Lancaster: The figures that the Minister has given are for Afghanistan. Can he give us figures for education and health in Helmand?

Mr. Malik: I am coming to Helmand.

In Helmand, the impact of military operations is that they are setting the conditions for stabilisation, reconstruction and development to begin. The UK has invested heavily in joined-up civilian and military planning. As the hon. Member for North-East Milton Keynes (Mr. Lancaster) has rightly pointed out, we have a civilian-military plan for Helmand—the Helmand road map—which is backed by the stabilisation aid fund. Last week, a senior civil servant arrived to be the UK's new senior representative for Helmand.

To assist with integration and joined-up decision making, the provincial reconstruction team is located with the military headquarters of Task Force Helmand. Of course, success depends not only on an increasingly

[Mr. Malik]

effective civil-military effect, but on the involvement of the Afghan Government and the Helmand governor. We must always remember that our aim is to help the Afghans to secure and govern Helmand and the wider country themselves, not to do that for them.

Over the life of the PRT, the scale and influence of civilian effort has increased significantly. It has evolved from the relatively narrow concept of backfilling military operations with reconstruction efforts to one of influencing the shape and conduct of military operations. Joined-up civilian-military planning has enabled the UK to shape and extend the reach of stabilisation activities beyond Lashkar Gah to Gereshk, Sangin and Musa Qala. Recent stabilisation efforts in Musa Qala demonstrate the progress in the UK's civil-military stabilisation operations and may provide a future model.

We do not have figures on education in Helmand, but I can tell the hon. Gentleman that DFID funding in Helmand has helped with the construction of 44 km of road, the completion of 851 bore wells and contracts for another 974. It has also helped with the 496 community development councils that have been elected in six districts, which have received more than £5 million in grants for local development projects. In addition, 332 microfinance clients have received small loans to start new businesses in Helmand.

There have been positive moves forward with education in Helmand, including the recent opening of the main school, with 500 pupils and 30 teachers, and the establishment of basic municipal services. With our military operations setting the necessary security conditions, our civilians are promoting stabilisation, reconstruction and development. Since our engagement began in 2006, DFID has spent £23.7 million in Helmand out of a commitment of £30 million from 2006-07 to 2008-09, which has delivered many development gains such as those that I mentioned.

I shall cut out most of what I had intended to say so that I can get to the core of the questions that have been asked. We know that we have a long way to go before Afghanistan can become a safe, peaceful and prosperous nation. The international community and the UK have not got everything right, and there is always room for improvement.

I shall respond to some of the questions that the hon. Member for Dunfermline and West Fife (Willie Rennie) asked. Some of his points were also made by the hon. Members for Gravesham and for North-East Milton Keynes. He was absolutely right about the battle for hearts and minds, and I think that we would all agree that that is where victory—if we can call it that—will be achieved. He was also correct that a simplistic approach, such as thinking of the groups involved as a homogenous mass, will not deliver results. There needs to be a more sophisticated approach, and we would like to think that that is exactly what we are moving towards through local empowerment and by moving down to local level.

I am pleased that DFID's £50 million funding for the national solidarity programme has helped to establish more than 20,000 local community development councils, which build on the model of the local shuras and ensure that local people receive funding.

Mr. Holloway: Will the Minister give way?

Mr. Malik: For the last time.

Mr. Holloway: I am dismayed; we have heard all this before. This is the "good news only" stuff. When will the Government start answering the key questions: are we winning? What more do we need to do? How will we stop the rapid glide path in the consent for our being there? We have heard everything that the Minister is saying before.

Mr. Malik: I am pleased that the hon. Gentleman has heard it before, but that was not clear from his contribution, so for his sake perhaps I should repeat it.

There are 496 such councils in Helmand. DFID funding also goes to non-governmental organisations across the country, including in Helmand, through the Afghan Government. For example, the Bangladeshi NGO BRAC runs a microfinance programme in Helmand with DFID funding.

On the UK's commitments and pledges, I say to the hon. Gentleman that we have met our obligations. Our challenge is to ensure that others do likewise, and our mind is focused on that. The UK has spent all that it pledged at the London conference, in the time scale set out. Other donors have yet to honour their commitments, and that is where much of the challenge lies.

At the Paris conference last week, the Afghan Government repeatedly asked the international community to put donor funds through central Governments and not spend off budget. DFID leads on that, providing 80 per cent. of its funding through the ARTF. Many other donors do not, and we encourage them to do as the Afghans ask. That is part of our belief in a country-led approach.

The hon. Member for Dunfermline and West Fife asked whether the price of wheat was having an impact on the poppy crop. There is certainly anecdotal evidence of farms in the south destroying some of their poppy crop to grow wheat, and land under poppy cultivation may have decreased. It is too early to give a definitive answer.

The hon. Gentleman was right to mention magic bullets, but he is wrong if he believes that there is one in the case of policing. We all wish that there were. On winning hearts and minds, it is interesting that President Karzai said in October 2007, during his visit to the UK, that there was a need for talks with elements of the insurgency, but only those that renounce violence against Afghanistan and the west, and that accept the Afghan constitution and are willing to live in peace. In December 2007, my right hon. Friend the Prime Minister said that insurgencies were ultimately solved at political level, not by military means alone. I think that the hon. Gentleman would concur with that.

Since 2001, we have pledged or spent some £1.65 billion in Afghanistan, and I have described part of the impact of that. The hon. Member for Gravesham mentioned the issue of women, which is incredibly important. It was one of the factors that allowed many people to support military intervention in Afghanistan. Some 60 per cent. of women voted in the 2004 elections, and 27 per cent. of primary school-age girls are enrolled in schools in rural areas and 51 per cent. in urban areas. Some 2 million girls are now in primary schools in Afghanistan.

The hon. Member for North-East Milton Keynes was well informed in many parts of his contribution. He is right that there are joint military and civilian planning arrangements in Helmand, which was true from the outset. I would add that civilians and the military are working much closer in Helmand. The provincial reconstruction team is led by a Foreign and Commonwealth Office civilian, who works closely with the military commander, and military engineers work where it is too dangerous for UK civilians or Afghan contractors to go.

Mr. Lancaster: I am listening to the Minister's argument that we are all working together closely in Helmand, but does he not understand that the fact that he was unable to tell us how many schools are open in Helmand is not encouraging? It does not give the impression that we have a grip on what is going on in Helmand.

Mr. Malik: It would be foolish to suggest that anybody has chapter and verse knowledge of everything in Afghanistan. The hon. Gentleman's point indicates some of the challenges that exist, particularly in Helmand. Nobody is underestimating those challenges.

Hon. Members mentioned the Afghan police. It is true that there is widespread evidence of corruption, poor leadership and a lack of capability in Afghanistan's police, which undoubtedly undermines the Afghan Government's credibility. That, in turn, leads to further decline in respect for the rule of law. However, there has been some progress on providing basic training to large numbers of police officers and on the close mentoring of specialist forces. Some 80,000 Afghan police have been trained and equipped. The UK is committed to improving the quality of policing in Afghanistan and has been active in lobbying partners to increase the training and mentoring of Afghan police. Along with Germany, we were instrumental in setting up the EU police mission to Afghanistan. In 2007-08, we contributed about £10 million, and 35 personnel have been deployed to assist with police development.

Mr. Holloway: Will the Minister give way?

Mr. Malik: I do not think that I will, because time is against us.

As I have said, we know that we have a long way to go before Afghanistan can become a safe, peaceful and prosperous nation. The international community and the UK have not got everything right, and there is always room for improvement. For example, we accept that we have not been as successful as we could have been at persuading other donors—

David Taylor (in the Chair): Order. We must move on to the next debate.

Bee Industry

11 am

Dr. Ian Gibson (Norwich, North) (Lab): Mr. Taylor, I am quite sure that, as the passions rise, you will contain us and keep us within the realm of behaviour that is becoming to this place. I thank my colleagues from all parts of the House for coming to this debate, because the future of the bee industry is one of the major issues in the country today as far as I am concerned.

I want to say something very quickly about the honey bee and why we are very interested in it. In 1973, Karl von Frisch won a Nobel prize in physiology and medicine for his pioneering work on comparative behavioural psychology and communication between bees. He was the first scientist really to discover how species of bees utilise sensory perception and he established the importance of their waggle dance for communication. I do not intend to demonstrate waggle dancing to everyone here today, but there are nine species of bees and nine varieties of the waggle dance.

Interestingly, as people will know there is a queen bee that looks after the hive while the worker bees waggle. However, the queen bee, like yourself Mr. Taylor, maintains a social order through the emission of pheromones. I guess, Mr. Taylor, that you never knew before how you maintained your dignity and command over this House. Foraging honey bees use the waggle dance, of course, to tell other honey bees at the back of the nest how far away and in which direction they will find the next source of nectar. As every schoolboy and schoolgirl knows, the bees go to collect the nectar and in so doing perform major functions, which I shall come on to shortly.

Researchers are now looking at how different bees communicate with each other. It has got to the stage that European bees can communicate with Asian bees, even though they are from different species. Asian bees learn the waggle rhythm that the European bees have manifested for many years, and they can communicate information about distances and so on. They also recalibrate the way that they fly by their waggle.

Bees can also sense chemicals. They can be trained to detect explosives, drugs and even chemical weapons. That is not generally known, but I know that the Pentagon has been working on this use of bees for some years now and the sight of bees swarming around white powder is quite a classic thing that happens in this country too. So there is hope that, in that area of detection, we may find another use for bees as research progresses.

Beekeeping and research into bees has been going on for some time. The bee is a fascinating creature and this week I shall go to see the Norfolk beekeepers at Easton college; I look forward to getting up close and personal with the beehives that they look after. Of course, right across the world people go out and see bees. Bees have this image about them that they only sting; I want to dispel that image completely. Of course, they sting and if one asks a classroom of young people what they know about bees, they will say, "Ooh, they sting you". However, when one asks the young people why they sting, they will reply, "Because we annoy them". Well, that is youth today, I suppose; annoying bees seems to

[Dr. Ian Gibson]

be a habit. It might be worth an antisocial behaviour order in a certain repressive kind of regime, although not here, of course.

Massive winter losses of bee colonies in the USA and Canada of more than 60 per cent. have been attributed to what we call colony collapse disorder, or CCD. Similar problems are now developing in countries in Europe, for example Greece, where losses are pretty high, which makes beekeeping rather unsustainable. The causes of such dramatic losses are not yet really understood and research suggests that there are a combination of factors: the parasitic varroa mite; the virus that the mite vectors or carries; and nosema, a fungal infection. All these factors, together with some kind of stress disorder, may be forming the lethal cocktail that is destroying bee colonies.

The UK is beginning to experience similar problems. Notwithstanding the ravages of varroa, normal winter losses are between 5 and 10 per cent. of bees. However, in 2006 beekeepers reported mysterious losses over the winter of between 10 and 15 per cent. of bees; rather large numbers of bees were dying. There were similarities to CCD, but it is still not clear that it is exactly the same problem, because there are some differences from CCD.

The British Beekeepers' Association has done some sterling work in this area. Its study of the work of 10 per cent. of its 11,500 members revealed that the average loss of bees this winter was 30 per cent., which is three times the expected level. So, something is happening to honey bees across the world and it is now affecting bees in this country.

Bob Spink (Castle Point) (UKIP): I congratulate the hon. Gentleman on bringing this subject before the House. It is an important subject and he is being characteristically charming and informative in proceeding with the debate. I cannot wait for the second half of his speech.

I wonder if the hon. Gentleman recalls that, on 15 May 2008, in another place Lord Rooker stated in answer to a question:

> "There is no specific information on the impact that the large-scale loss of honey bees would have on the economy, although it could be significant." [*Official Report, House of Lords*, 15 May 2008; Vol. 701, c. 147WA.]

Does the hon. Gentleman agree that some sort of full cost estimate of the general impact on agriculture, food production and the economy of the demise of bees in this country would help to focus both the Government's attention and public attention on what is not a marginal but a major developing issue in this country?

Dr. Gibson: I thank the hon. Gentleman for that intervention; the answer, of course, is yes, and he is trying to steal my thunder because I am about to refer in more detail to what Lord Rooker told the other place, and to the effects on the economy.

The prospect of losing our local honey supplies is bad enough, and also sad, but a deeply worrying threat is the loss of our principal army of pollinators; that is the real issue. The demise of the honey bee would have a devastating impact on the pollination of crops across the world, but particularly in this country. There would be a major impact on the environment and wildlife, which depend on bees to pollinate fruits and seeds for their survival.

As the hon. Member for Castle Point (Bob Spink) alluded to, Lord Rooker stated in the House of Lords last November that if we did not deal with the current and potential threats we could lose our honey bees in this country within 10 years. In the same exchange, he confirmed the important economic role of honey bees. Work done by a large independent provider of environmental consultancy and rural services in 2002, which was updated last year, indicated that pollination by honey bees contributes £165 million per annum to the agricultural economy of this country. That is probably a low estimate, because it is based on farm-gate prices. A sample of just 10 crops, including top fruits such as apples and pears, which depend for up to 90 per cent. of their pollination on bees, and soft fruits, which depend on bees for about 30 per cent. of their pollination, and of course the ubiquitous and industrially important oilseed rape, which depends for almost 10 per cent. of its pollination on bees, shows the importance of bees.

John Penrose (Weston-super-Mare) (Con): As a beekeeper myself, may I say to the hon. Gentleman that clearly there are important economic impacts from the collapse of beekeeping, but surely there is also a much wider environmental impact? It is not just cash crops, important as those are, that are affected. A wide variety of wild species up and down this country, which we take for granted at the moment, would, if deprived of honey bee pollination, go into rapid decline. That would have a tremendously negative impact on British ecology and wildlife, and on the environment that we take for granted.

Dr. Gibson: Yes, the honey bee is central to that kind of interaction in the ecological life of plants and animals in this country. It would reflect badly on the way that we look at and revere our countryside if the honey bee disappeared from that kind of interaction.

As I have said, the honey bee is vital to the economy in all countries, not just to the UK economy. Of course, the problem of global food shortages and high transport costs has been highlighted by our Prime Minister. It is vital that every country maximises its potential to produce home-grown food, because that is becoming the big challenge, or at least one of the big challenges, for us in the agricultural movement in this country. Honey bees have never been more important, for mankind than today.

Let us look at what the Government have done about the situation; of course, the Minister will elaborate on the Government's work. The Department for Environment, Food and Rural Affairs invests £1.5 million per annum on honey bee health, of which about a third comes through support from the European Union. Of that total budget, £1.3 million is dedicated to running a statutory inspection service to monitor and control notifiable honey bee diseases, particularly foul brood disease. That leaves what I regard as the pathetic amount of about £200,000 for research. That figure has not increased but rather declined in real terms, as inflation and other factors have come to bear on the investment.

The causes of recent increased honey bee losses are probably not related to currently notifiable diseases. Varrosis, for example, was a notifiable disease until

2006, when the Government removed it from the list, basically, it seems, because it had become endemic in the population. No solution to it has been found. In fact, matters continue to worsen as the mite develops resistance to the key approved medication. Honey bees are at increased risk from existing diseases, from new threats such as CCD and from exotic pests such as small hive beetle. Despite those heightened risks and unsolved current problems, DEFRA says that it is not prepared to find any more than the current research spend of £200,000 to confront the growing challenges and all their economic and environmental implications.

The BBKA presented a paper, "Beekeeping Research", to my noble Friend Lord Rooker and the Department last October. It set out the urgency of the matter and proposed a programme of research. Lord Rooker met representatives of the BBKA last December—I was there as well. He flatly turned down the request for funding, notwithstanding the recognition that there were risks to and benefits from honey bees. Development of the programme was initiated by the BBKA when it convened its colloquium on honey bee research in July 2007. Key researchers, DEFRA representatives and research funders were present, and they debated the threats facing bees. There has been huge movement in recognising the problem.

The indicative budget for the research programme outlined in the BBKA documentation is £8 million over five years. The association makes the pertinent point that that is a minute cost when one considers that honey bees will deliver a more than £800 million benefit over that same five-year period, but only if we keep our bees healthy. DEFRA has prepared a bee health strategy, which is designed to help maintain the health of honey bees over the next 10 years. It has 45 pages, and is worth reading. The principle of a strategy is welcome, but it has some shortcomings. It attempts to transfer an ever greater responsibility for bee health to beekeepers themselves but without providing the resources that they need. Many of the diseases affecting honey bees that I referred to earlier are passed from apiary to apiary by bees, and that is outside the control of beekeepers.

Some principles in the strategy are good; for example, better information sharing between the Government and beekeepers—we concur with that. The strategy puts an emphasis on education, which is a major part of the BBKA's remit, but the document is rather lacking in that it states that action should be evidence-based. The point being made by those who are interested is that we need more evidence and research, and that we need to gather scientific evidence, without which the strategy is doomed to fail. There are too many gaps in the knowledge base, and, of course, it will take several years to implement the strategy once it is finalised.

The issue is what we have to do now. We need to carry out research that will give us a chance to combat the threats. The proposal, with input from key researchers at Sussex university, Rothamsted Research, Warwick Horticulture Research International, Plymouth university and so on, involves short and long-term projects. It seeks to address current problems to do with varrosis and foul brood, not just the threat of CCD and exotic pests. The promising work at Rothamsted and Warwick university to develop a biological control method for varroa, an approach widely used in commercial horticulture and once funded by DEFRA, is, sadly, urgently in need of revitalisation. That is one of the largest budget elements in the plan.

In contrast, resolving the legal availability of alternative treatments such as oxalic acid through a more proportional application of the medicines directive requires good will as much as cash. The plan seeks to offset the deficit in bee virus research that has existed since Britain's leading bee virus researcher had to be made redundant by Rothamsted Research due to lack of follow-on funding from DEFRA.

Other key elements relate to improved husbandry and breeding bees that are better able to resist disease. The BBKA beekeeping research programme offers a real chance to meet those challenges. It requires money, and while all sources of financial support from research trusts, the food industry and beekeeping associations should be tapped—I believe that they are prepared to put money in—it falls to the Government to shoulder the main burden of funding and to make co-ordination possible.

DEFRA has stonewalled the requests of the BBKA, which, as a result, has mounted a public campaign to bring pressure on the Government. This debate is part of that. The BBKA has collected 30,000 signatures in eight weeks, and no doubt that number will increase. It will present its petition to the Government in the autumn during a mass lobby by beekeepers of their MPs. I had a dreadful dream last night of white-coated individuals walking past Downing street with their smokers going. Imagine the panic that that would bring to Whitehall. We have to prevent that kind of thing from happening.

The public have picked up the issue—[*Interruption.*]

David Taylor (in the Chair): Order. There seems to be a buzz of conversation on the Benches.

Dr. Gibson: Thank you, Mr. Taylor.

It is not surprising, given the extensive coverage on radio and TV and in the press, that the public have taken up the issue. One can hardly pick up a supplement these days without seeing bees sitting on plants and a discussion of the issues. The Government have to wake up to the green political capital that they could gain by finding the rather modest sums required to bring about a far-sighted programme.

I set out the reasons for doing the research: the current unresolved problems with varroa and foul brood, which are akin to foot and mouth disease in bees. We cannot leave it to the Americans to resolve the CCD problem. The US Department of Agriculture has been mandated by the Senate to do its bit—more than $80 million has been directed to CCD research—but we would have to look into co-operation.

Beekeeping practice in the US differs greatly from that in the UK. In this country in particular, there are few commercial beekeepers and they struggle to make a living. The £165 million contribution by Britain's beekeepers is, basically, provided free of charge by the so-called Great British amateur. No doubt the hon. Member for Weston-super-Mare (John Penrose) is, for the purpose of this conversation, a classic amateur. This place is full of classic amateurs. I do not mean the House of Commons, of course—I am so sweet—but this country. It has many classic amateurs, and they do a great job. The UK

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and the USA also have climatic and environmental differences, so we have to do our bit, however modest, to help deal with a global problem.

Another element resulting from the structure of UK beekeeping is that it lacks the resources and resolve to rebuild losses quickly when challenged by disease. Varroa arrived in the UK in 1992, and many beekeepers gave up beekeeping in subsequent years. Varroa losses were less dramatic than those that CCD will bring, and we should remember that even then some effective proprietary medications were available. Britain's beekeepers are great amateurs. They could have played cricket for England—at one time, anyway. They keep bees because of their love of and fascination with the craft. There is not the commercial imperative to restock rapidly that exists in, for example, the USA.

I vehemently call on the Government to provide adequate urgent funding for research into honey bee health. DEFRA has stated that it awaits a business case for increased funding, but, in a sense, the Minister himself has made that case with his acceptance of the £165 million figure. The honey bee population is severely at risk, and we have to do something, or pollination and our agriculture will suffer. That "something" is to carry out research costing £1.6 million per annum in addition to the current budget. That is what we are calling for, and there will be great spin-offs from it. Any well-managed company could develop such research.

We do not need to look for new money. I believe—again, I saw it in a dream—that DEFRA has a contingency fund of £50 million, which the Minister might or might not know about. If there were the will, money could be taken from that fund to prevent an impending disaster. We cannot just wait for it to happen. When the air falls silent and we do not hear those bees a-buzzing in the summer time, there will be a change in many people's views on the subject, and on why pollination of our crops and the ecological niche that the bee fills in the environment are important.

Every hive lost represents a reduction of some £600 in agricultural output, but that is nothing compared with the greater loss that inaction will cause to our food supply and the natural environment. The Government have said that they will listen more. They listened to us over 10p tax issues. Here is another debate for them to listen to. The issue has massive support from the public. It may not be up front but it is coming. Because we love our environment and our countryside, we ask for the Government's support.

I will finish with a quote. Everybody who has ever been a scientist always finishes with a quote from a man called Einstein, who, I believe, was once a famous scientist. *[Interruption.]* A socialist scientist—forgive me for using that word. He stated:

> "If the bee disappeared from the surface of the globe, then man would only have four years of life left. No more bees, no more pollination, no more plants, no more animals, no more man."

That is a fitting challenge to all of us.

11.19 pm

Mr. David Heath (Somerton and Frome) (LD): I congratulate the hon. Member for Norwich, North (Dr. Gibson), not only on securing this debate—I was also trying to secure such a debate but he beat me to it, and I am pleased that he was able to do so—but on his introducing a topic that is not a peripheral matter, although some would wish to describe it as such. It is not a peripheral matter; it is crucial to our horticulture and agriculture and to our natural environment.

My only criticism is of the debate's full title, "The future of the bee industry", because although we know that bees are incredibly industrious and that there are some commercial beekeepers, whom I suppose form an industry, the vast majority of the bees in this country are in the hands not of the 300 commercial apiaries, but of the 2,000 amateur beekeepers spread across the country, who are extremely concerned about the future of the bees that they own and love to deal with.

I have a reputation, Mr. Taylor, as perhaps do you, for pursuing quixotic subjects in the House that other hon. Members sometimes do not wish to trespass into. It could be argued that the future and the health of the bee population in this country is one such subject, but it is linked to other matters that I have pursued because, as I argue, if I do not who else will do so? The cider industry is important in my constituency. Apples need pollination and pollination is done by bees, so if the bee population declines, there is concern about the profitability and productivity of a serious industry in my constituency.

As hon. Members have already said, we are not just talking about top fruits, which are a key part of the agricultural and horticultural activity in my constituency, but about wild and semi-wild species such as clovers and vetches, which are the principal nitrogen fixers. Without nitrogen fixers, we do not have fertile soil and the nice green grass that we need to feed our livestock and create our countryside. Bees are crucial to more than is perhaps commonly recognised.

The hon. Gentleman has already pointed out the various threats to the bee population, so there is no need to go into those in detail. He mentioned particularly varroa destructor, which is, as we now know, endemic to the point of no longer requiring notification, but it would appear that we are still no nearer to either a cure or a preventive strategy. He also mentioned nosema apis and nosema ceranae, which is now entering Wales, and he could have added tracheal mites or aethina tumida. He spoke about the syndrome—I think it is a syndrome—of colony collapse disorder in America. I do not think that we have yet seen a problem on a similar scale in this country, but all of us are greatly concerned about that threat, because it does not merely decimate the bee population, but halves or eliminates it. That is of great economic concern as well, because, as the hon. Gentleman correctly said, the value of pollination by bees is estimated at anything up to £200 million, which is a significant sum. That suggests that the Government would be wise to put in a much smaller amount of investment now to save that future loss. That is the critical argument that we have to advance today.

I want to reinforce the points made by the hon. Gentleman and say clearly that research is needed now—not the trickle of funding that we have at the moment, but funding on a scale to match the threat that is recognised by those who know about such things. That needs to be coupled with other measures. We need regulation of imports and effective measures to prevent introduction of further parasitical infestation, whether relating to the importation of queens or other bees. We need to

consider seriously the control of pesticides. If we are creating pesticide-resistant mite populations or other parasitical organisms, we need to look at the interaction between the use of pesticides and the creation of the degree of resistance that is creating widespread endemic infestation and, perhaps, look again at how we use pesticides in this country.

It is argued in the United States of America that there is a connection between colony collapse disorder and the genetically modified crops being used there. It is possible that disease-resistant crops are creating the circumstances in which that syndrome can develop. We need to know about that.

Dr. Gibson: While the hon. Gentleman is attacking my favourite organisms—GM crops—let me point out that it is also said that mobile phone masts are allegedly implicated in the demise of the bee population in this country. Everything is implicated, but without research, who knows?

Mr. Heath: The hon. Gentleman spent many happy years with me on the Science and Technology Committee. I am not saying that there is such a connection; I am simply saying that there is at least prima facie evidence that ought to be investigated and perhaps the United States is the appropriate place to do it.

We also need to say, on behalf of our agriculture and horticulture, that if we cannot turn back the tide of the reduction in the size of our bee colonies and the bee population, we have seriously to consider how we provide and encourage substitute pollinators, to preserve our fruit industries in at least their present state. That is, to an extent, a counsel of despair—it is certainly not what beekeepers want to hear—but we have to look at both sides of the equation. We have to deal with reversing the trend in the bee population and recognise the need to find ways of maintaining the profitability of our horticultural and agricultural sectors.

John Penrose: I agree with the hon. Gentleman that trying to find alternative insect pollinators is almost certainly a counsel of despair, for two reasons. First, honey bees are far more effective as insect pollinators at various times of the year, particularly in the early part of the season, which can be vital for some crops and wild species. Secondly, they are far more numerous than most other potential insect pollinators. Everyone mentions bumblebees, for example, but whereas there are a few hundred in a typical bumblebee colony, there are 40,000-plus honey bees in a healthy colony. The difference is enormous. Alternatives will probably be far more expensive, by a factor of 10, 100 or even more, than the hon. Gentleman proposes.

Mr. Heath: The hon. Gentleman is correct. The key points are finding the reason behind the reduction in the bee population, seeing what effective measures can be taken to control infestation or infection, and disseminating the information, both on good husbandry and effective practice, whether veterinary or otherwise, to ensure that the health of the bee population is preserved. That will require investment. That is why we look to the Minister to say not simply that it is nonsense that the bee health programme has been reduced, which has been the line so far from the Department for Environment, Food and Rural Affairs.

DEFRA has been saying that everything is perfectly good, but it is not. We need a step change in investment in the investigation of bee disease if we are to stem a worldwide phenomenon that is lapping at our doorstep and has the potential to become a crisis, both for the insect population and in economic terms, for some sectors. We need to put in the necessary investment at this stage to stem it and reverse it. I hope that that is what we will hear the Minister say.

11.30 am

Rob Marris (Wolverhampton, South-West) (Lab): It is a pleasure to appear before you, Mr. Taylor.

When discussing this important topic, we should get some of the puns out of the way. You made one earlier, Mr. Taylor. The place is buzzing; it is swarming with interested MPs. I congratulate my hon. Friend the Member for Norwich, North (Dr. Gibson) on securing the debate. His speech was the bee's knees, and no doubt the Government will be stung by his remarks. I hope that they will not hive off research to the private sector, but I am somewhat piqued by their insufficient action so far. I agree with the hon. Member for Somerton and Frome (Mr. Heath) that we must consider other pollinators and so on, but I do not know whether we should call that plan B.

I like bees. They are useful—that is what we are discussing—and I just like them. I do not keep them, although I know that some hon. Members do. One reason why I like them is that they have the good sense to sport the colours of Wolverhampton Wanderers football club. In our garden in Wolverhampton there is a large lime tree, which is almost 100 years old. At the appropriate time at the height of summer—hon. Members will be able to tell me when it is, but it is usually around this time of year—that lime tree is buzzing with bees. They are not our bees, but come from elsewhere, and their number has lessened in recent years. We have lived there for 25 years, and we have noticed that in summer the tree buzzes less than it used to. We used to sit by it, hear it thrumming, and wonder what the sound was. It was hundreds of bees.

On where the UK's bee industry is going, part of the general picture of adapting to climate change that exercises me greatly is what we do about wildlife. It is important not only to deal with the causes of climate change—CO_2 emissions, greenhouse gas emissions and so on—but to face up to the reality that the climate is changing and will continue to do so, with an adverse effect on wildlife and other elements in our country. Bees may be one of the overlooked casualties of the climate change that we are experiencing.

I pay tribute to the work of the British Beekeepers Association, not only for its promotion of the industry, but its research and education of the general public and politicians such as me. I am worried that the UK is losing researchers because there are no jobs for them, and that the considerable expertise that has built up over many years in this country is being eroded because those researchers simply cannot get jobs, so they move to other fields of research or abroad.

The Government must focus on research. They cannot solve all the problems facing bees and every industry in this country, but a general rule in any industry is that about 5 per cent. should be spent on research and

[Rob Marris]

development. We have heard today that bee pollination boosts the value of the top 10 agricultural products by £165 million, and almost all of that gain is free because most beekeepers in this country are amateurs. They are skilled in what they do, but they do not do it for money. They do it for love. We all benefit from that, and agriculture in this country benefits to the tune of at least £165 million a year. In round terms, 5 per cent. of that is £8 million.

I accept that the Government should not be responsible for all the research and development for the bee industry in the United Kingdom, but because it is, in a sense, a free industry, the Government should fund about half that research and development on behalf of society. They should put in about £4 million a year for something that benefits us all to the tune of more than £165 million a year. That is in contrast with the apparent amount—the Minister may enlighten us with different figures—of about £200,000 a year that the Government actually put into research; £1.3 million goes into inspection and so on, and only £200,000 is left over for research.

The contrast between £4 million a year and £200,000 a year is far too great. The BBKA's suggested figure of £8 million over five years is incredibly modest—that is no criticism of the BBKA. It is not a ridiculous amount such as politicians often come across when people suggest amounts because they believe passionately in a pet project. It is a sensible amount and, if anything, is low. I urge the Minister to consider it carefully.

John Penrose: Does the hon. Gentleman agree that it might be helpful if the Minister told us whether he has had any conversations with his opposite number in the Department for Innovation, Universities and Skills, which, as the hon. Gentleman knows, is responsible for a great deal of academic research into all sorts of related areas? Some sort of joined-up government thinking might produce alternative pots of money that could be put to the excellent use that he is proposing.

Rob Marris: I entirely agree. It is not simply a question of the Department for Environment, Food and Rural Affairs putting in £4 million a year. The money should come from Government across the board, including the Department for Innovation, Universities and Skills, and it is arguable that the Department for Children, Schools and Families might kick in in terms of education and so on. We need a cross-departmental push—it used to be called joined-up government, but I am not sure what we call it now—and Government as a totality should put in around £4 million a year for the necessary research.

Dr. Gibson: The Wellcome Trust has bailed out this country's research for years through research councils and money that it has accrued, and it would be interested in basic research in this area. Quite a few charities have big sums of money that might help, so the Government might have to pay even less.

Rob Marris: The Government could take more of a lead in bringing in organisations such as the Wellcome Trust. My hon. Friend may recall that my ballpark figure is that society and the country should put in about £8 million, which is 5 per cent. of the industry's low figure of £165 million. I posit that half—£4 million—should come from the Government, and that the other £4 million could come from the charitable foundations to which he referred and other sources, perhaps including European Union money.

The Government are underfunding research into bees, and that will be to our peril unless we do something. I am not an expert on bees, but I understand that there is only so much research that can be imported because we have our own climate, our own crops, our own way of doing things, our own strains of bees and, to some extent, our own bee diseases and infestations. We need to do research into the bee situation in the United Kingdom, and that research needs to be done by UK researchers in our own country. At least half should be funded by the Government, which is considerably more than is the case now.

11.38 am

Adam Price (Carmarthen, East and Dinefwr) (PC): I did not intend to speak in this debate, but I was inspired to do so, as I often am, by the hon. Member for Norwich, North (Dr. Gibson). I cannot claim to have his expertise or that clearly shown by the hon. Member for Somerton and Frome (Mr. Heath), but I want to add my voice to those of other hon. Members and to plead with the Government to reprioritise the industry, as there is a number of serious concerns.

The haunting picture of a world without bees that the hon. Member for Norwich, North painted reminded me of Rachel Carson's famous book, "Silent Spring", which was published more than 40 years ago and launched the modern environmental movement. It was about the effects of DDT on birds and mammals. We could be looking at a similar set of factors now.

There is an argument about whether colony collapse disorder is being seen in the United Kingdom yet, but it is in Europe, so it is going global and it is a great concern. There may be a coincidence of factors behind that. Even in the United Kingdom varroa mite seems to be developing resistance, which is one problem. There is discussion in the United States that bees may be developing some kind of immune suppression syndrome, and that there could be a viral cause. Research suggests that when the Israeli acute paralysis virus is present in the hive, the hive is 65 times more likely to develop colony collapse disorder, so there seems to be a strong evidential basis there. On the other hand, Australia has that virus but no reported problems and no varroa mite. It is a very complex picture.

I have read the reports mentioned by the hon. Member for Somerton and Frome which, he said, posited a link with transgenic crops. Now is not the time to engage in that debate, but it is a legitimate research area. Apart from a few papers that were written about 10 years ago, not much research has been produced in that field.

One of the problems that we face worldwide—I think this is true within in the United Kingdom—is a lack of genetic diversity within bees. As I understand it, there is a preponderance of the Italian bee. The issue is certainly of interest to Wales. We had a pocket of bees in west Wales that survived the last major collapse in the 1920s. The collapse started in the Isle of Wight and spread

throughout the UK, but in Pembrokeshire and parts of Carmarthenshire, local populations of bees seemed to withstand that collapse.

The Pembrokeshire Beekeepers Association has been given some money to try to breed a local population that is adapted to local conditions. Perhaps developing such a population, which is also more resistant to varroa and tracheal mite infestation, is one of the future routes that we need to take. However, the association was given only £5,000 by the national lottery, and therein lies our problem.

The problem is very serious because all life is interconnected. Bees are connected to humans. Obviously, the apple industry could be wiped out unless we take prompt and appropriate action. Organic beekeepers in America say that they have no evidence of CCD and it has been suggested that that is because they do not fumigate for the varroa mite or use pesticides. As the hon. Member for Somerton and Frome said, the use of pesticides more generally—particularly neonicitinoid pesticides that have neurotoxic effects on bees and affect their learning and navigation abilities—could play some part in what we are seeing globally.

We need substantial and extensive research to help us to understand what is happening globally and to learn about the strains of disease, their effect on the UK bee population and some of the solutions—such as the one that I mentioned in Pembrokeshire. I am glad to see that the Welsh Assembly Government are playing their part by contributing £280,000 to the National Bee Unit. I urge the Minister to do more. As the hon. Member for Wolverhampton, South-West (Rob Marris) said, spending money on research would be a good investment because it would prevent a catastrophe that would devastate key elements of our agriculture industry.

11.44 am

Mark Hunter (Cheadle) (LD): It is a pleasure to serve under your chairmanship, Mr. Taylor, and to have the opportunity to make a modest contribution to the debate on this important subject. I congratulate the hon. Member for Norwich, North (Dr. Gibson) on securing the debate.

I do not claim to be an expert in this matter, but I know what colour bees are. I am afraid that I need to correct the hon. Member for Wolverhampton, South-West (Rob Marris) because there was an important factual inaccuracy in his comments. He referred to bees wearing the colours of his favourite football team, Wolverhampton Wanderers. The last time that I checked, their official colours were old gold and black, but the last time I saw a bee in close proximity, its colour was yellow and black, which more accurately reflects the colours of Hull City or—dare I suggest?—the Liberal Democrats, with whom they may share an allegiance.

More seriously—because this is an important debate—my participation in this matter today has largely been fired by two things. One was an article I read some weeks ago by my hon. Friend the Member for Twickenham (Dr. Cable) in the *Daily Mail*. That article has been helpfully included in the briefing pack. To anyone who has not seen this article and does not understand the general issues that are being raised today, I would say that it is a helpful introduction to the subject. Secondly, I have been contacted by the secretary of the Cheshire Beekeepers Association, who, I am proud to say, is a constituent of mine. He too has briefed me on the importance of the issue, and that is why I have come here today to support what the hon. Member for Norwich, North has had to say and to press the Government for some indication that they accept the need to give a little more assistance to the research that is needed.

[JOHN CUMMINGS *in the Chair*]

I think that we all agree that there has been, beyond any reasonable doubt, a dramatic decline in the bee population, which, as we have heard, is important to the natural environment, agriculture and horticulture. What we do not know, however, are the precise reasons behind that dramatic decline. That is why research is crucial. It is fair to say that the Government have a role to play—whether through DEFRA or another body. I hope that the Government will not turn their back on this important and growing problem.

We have already heard that the British Beekeepers Association has been seeking a research grant of some £8 million over eight years. As I understand it, the Government's response to date has been to cut the research budget by some 20 per cent. There are now fewer inspectors and researchers involved in this very important area. Last November, Lord Rooker said that unless effective action is taken, bees would disappear within 10 years. That is a frightening prospect, for the reasons that we have already heard. To be frank, the solution to the problem is not the occasional very modest contribution from the lottery fund. I know that reference was made to the £5,000 that Pembrokeshire beekeepers have been awarded, and I am sure that the money will be put to extremely good use. None the less, we are looking for a lead from the Government and we want reassurance that the investment in research will be made. I press the Minister to accept that if that is not forthcoming and if we are seen to ignore the plight of the honey bee, future generations may not be quite so forgiving.

11.48 am

Mr. Roger Williams (Brecon and Radnorshire) (LD): That was a quick change. I did not pick up that the Chairman had changed before I stood up to make a small contribution. It is a pleasure to serve under your chairmanship, Mr. Cummings. I congratulate the hon. Member for Norwich, North (Dr. Gibson) on obtaining this debate.

It has been said that beekeeping in this country is a pastime of amateurs. However, those amateurs have mounted a well-orchestrated and well-directed campaign. They have focused the minds of hon. Members on this very important issue, and I congratulate them on the work that they have done. Hon. Members have set out in great detail, and with a great deal of evidence, the fact that we are confronted with a classic case of DEFRA collapse syndrome. All the symptoms indicate that this is a classic case of doing too little too late. A lot of public money will have to be spent to undo damage that could have been prevented in the first place.

There is much evidence that bees are in decline. Certainly, in this country, 20 per cent. did not make it through the past winter, which is quite a high proportion. This morning, I spoke to a colleague, Karl Showler,

[Mr. Roger Williams]

who was a little more optimistic than I had anticipated. He told me that it was strange that evidence can be put in different ways and said that beekeeping was on a high at the moment. He also said that beekeepers and the quality of beekeeping had improved in recent years. He informed me that one of the reasons for that is that varroa and varroosis have meant that beekeepers who do not have the relevant dedication and expertise cannot keep their hives going and have dropped out of beekeeping activities. As such, he feels that the beekeepers who operate now are of a higher standard than he has ever known—and he has worked with bees for more than 50 years.

The varroa disease is now endemic, but Karl Showler has told me that he has examined his hives—he has a lot fewer than he used to—and he can find no evidence of varroa at the moment. I am not sure whether that is because he is so diligent in his work and uses oxonic acid to treat his bees. I know that some of the varroa mites have become resistant to pyrethroid insecticides. The ability of diseases and parasites to become resistant to treatments is one of the reasons why we want research to be done.

Varroa is a disease that we understand and that beekeepers have been able to live and work with. However, something else is going on in our bee colonies that cannot yet be explained. We have talked about colony collapse disorder in America, and I wonder whether that has the same cause or whether we are seeing a number of unrelated things. Is colony collapse disorder related to just one disease, or have a number been affecting colonies in America?

A point that has been strongly made is that the uncertainty about the disease status of bees means we should think carefully about importing bees into this country, as my hon. Friend the Member for Somerton and Frome (Mr. Heath) said. I understand that queen bees can be imported from New Zealand and Hawaii, but a number of people have told me that that is a dangerous practice and that we should perhaps think about safety first. Perhaps the Minister will say something about the restrictions on imports.

One subject on which research could take place and which would be profitable is bee breeding. The hon. Member for Carmarthen, East and Dinefwr (Adam Price) pointed out that work on that is going on in Pembrokeshire funded by lottery money. Research could be directed to the breeding of bees that are resistant to some of these diseases. Where there is disease resistance, there is less use of chemicals and less disruption to the bees' immune system and their natural ability to forage and find their way around.

The hon. Member for Norwich, North—I think it is Norwich, North.

Dr. Gibson: The rough part.

Mr. Williams: The beekeeping part. The hon. Gentleman mentioned that there should be biological control work to find diseases or other parasites that are parasitical upon or can infect the disease perpetrator. That is another potential avenue. This morning, I was thinking about a book written by Theresa Clay and Miriam Rothschild, "Fleas, Flukes and Cuckoos". The book discusses parasites and says that large fleas have smaller fleas upon their back to bite them and smaller fleas have lesser fleas and so on, ad infinitum. The research needed to find a biological control mechanism that can be used on particular diseases could be profitable.

The financial importance of bees and pollination has been mentioned. Insect pollination is an important part of the pollination process. Although there is self-pollination and wind pollination, the anatomy of many plants is designed to want or need insects to pollinate them. Indeed, some are designed to have only bees pollinating them, and I do not think we can look for an alternative pollinator for such plants.

Yes, pollination is important to agriculture, but it is also very important in terms of biodiversity in this country. Natural England has done much work on sites of special scientific interest and other protected areas, but if pollinators are not in those areas, the purpose of designating those sites will not be fulfilled. Perhaps the Minister can help me to answer a query I occasionally hear by saying whether bees are a species that have been in this country for all time or whether they are an introduced species. I understand that Natural England has said that bees, or hives, should not be taken to Salisbury plain because they are not an endemic species in this country and it wants to protect the ecosystem there. I have no further information on that—although I tried to find out something on it this morning. However, I think the theory is that bees were introduced into this country and are therefore not part of our natural ecosystem.

John Penrose: I hope to help the hon. Gentleman. I think I am right in saying that bees in one form or another are part of the fossil record going back many millions of years. It may be that the British or European honey bee is a relatively recently evolved species—I do not know—but honey-producing bees in one form or another have certainly been around for millions of years. They certainly go back well before Britain was ever legally invented.

Mr. Williams: I thank the hon. Gentleman for that. It has been put to me that bees were present in the fossil record, but I do not know whether the species present in Britain today—whether the wild or domestic variety—is a new species. It worries me that because wild bees are not tended in the way in which those in hives are, a number of the pollinating mechanisms for a biodiverse ecosystem are being lost.

The National Farmers Union, which represents commercial beekeepers from the Bee Farmers Association, makes the point that

"there are disparities across the EU with...access to veterinary treatments for bees. Considering the underpinning importance of bees to the horticultural and agricultural industries across the EU, the NFU calls on the UK government to take action to ensure UK bee farmers and beekeepers have the same ready access to veterinary treatments for bees as their EU counterparts."

I ask the Minister to respond to that request.

The message is clear. Something unexplained is going on in bee colonies that affects our beekeepers' interests. The amount of money allocated to research is small. The hon. Member for Wolverhampton, South-West (Rob Marris) did a fantastically complex mathematical calculation and came up with the sum of £4 million. A number of hon. Members would have liked £8 million,

but the hon. Gentleman's request is probably more reasonable. The message from this debate and the campaign launched by beekeepers is that the Government should do something now, or the consequences will be such that the position may not be recoverable. I, too, ask the Minister to consider increasing investment in research, so that we can find an explanation for what is going on and a cure for the diseases and complications now being exhibited.

12.1 pm

Bill Wiggin (Leominster) (Con): I congratulate the hon. Member for Norwich, North (Dr. Gibson) on securing this important debate.

I pay tribute to the British Beekeepers Association, which has done much to raise the profile of beekeeping and to inform us about the importance of bees to our country. It has put a tremendous amount of effort into its campaign, and its commitment to bee health is keeping the issue high on the political agenda. I understand that its campaign has already succeeded in attracting the support of 30,000 people who have signed its petition.

This debate is timely, and I hope that the Minister will be able to reassure us of his Department's commitment to bee health. The British bee industry is far more than just the sweet taste of honey. Who could imagine an English summer without the humble honey bee? Bees are amazing creatures whose value is easily overlooked. The Department for Environment, Food and Rural Affairs estimates that there may be more than 270,000 managed bee colonies in the UK, there being 5 billion bees in the winter rising to 16 billion in the summer.

As hon. Members have already pointed out, the pollination service provided by those colonies and bees could be worth about £165 million, and estimates of their total contribution to our economy is somewhere in the region of £1 billion. They also add tremendous value to our countryside, especially in pollinating wild flowers, as we heard from my hon. Friend the Member for Weston-super-Mare (John Penrose).

Most of Britain's 44,000 beekeepers are not professionals, who keep bees to make profits from honey sales and pollination services. They are small-scale hobbyists, whose numbers have been increasing. In greater London, for example, between 1999 and 2006 the number of beekeepers doubled to at least 2,000. However, because so many beekeepers are hobbyists, they are more vulnerable to the pressures now facing the nation's bees. As their livelihoods do not depend on beekeeping, many may be discouraged from continuing if they lose their colonies. In the USA, beekeepers have significant commercial interests in re-stocking, but those incentives are simply not available for UK beekeepers. That is a very real problem for us at the moment.

British beekeeping may now be at its most vulnerable, as bee health is threatened on a number of fronts. We all know of the impact that varroa has had in recent years. The varroa mite has caused considerable damage to hives and bee colonies, to the point where it is now classed as endemic. Our bee population may now be facing the far more dangerous threat of colony collapse disorder. Having seen the destruction caused by CCD in the USA, some, including Lord Rooker in the other place, have suggested that if nothing is done there may be no more honey bees in the UK within 10 years. CCD may already be in the UK.

The BBKA has reported that its research has found that as many as 30 per cent. of our colonies could be lost during the winter months this year. That is twice last year's rate and three times more than is usual since varroa arrived in the UK. Throughout the country, beekeepers are reporting significant losses. In Peterborough, for example, the secretary of the Peterborough and District Beekeepers Association, George Newton, lost 10 of his 18 hives this winter. In Scotland, John Troup, another beekeeper, reported significant losses—100 hives, each of which should have contained up to 80,000 bees.

Given the enormous value of bees to our country, that is a worrying proposition to put to those who depend on bees for pollination—which is invariably all of us. The future of our bee populations can be secured only if those dangers are properly managed and if action is taken in the near future to protect bee health. Hon. Members who take an interest in bee health will be aware that there has been considerable criticism of DEFRA in previous years over the way that it has treated bee health.

The Agricultural Development and Advisory Service's economic evaluation of DEFRA's bee health programme in 2001 recommended that:

> "A method should be sought to protect small bio-security programmes of this sort from general attempts to cut public expenditure—so called salami slicing."

Although DEFRA accepted that recommendation in principle, it is questionable whether the Department has followed that advice.

The budget for bee health and the National Bee Unit has been cut in real terms over the last few years, with spending remaining at around £1.5 million, half of which comes from the European Union. Bee health is in need of investment, and it would be helpful if the Minister let us know whether his Department will be making any extra resources available for bee health research.

The idea behind the draft bee health strategy is welcome. Indeed, the BBKA has been pressing for it for some time. It is important that a long-term strategy be put in place, that research needs be prioritised and that the responsibilities of beekeepers and the Government be clarified. However, all the effort and the time put into developing the strategy by DEFRA's stakeholders will have little impact if the resources are not in place to fund the required research.

In a written answer last month, the Minister could not confirm how much would be allocated to bee health in this financial year, hinting only that the figure would remain static at about £190,000. However, as hon. Members will know, the BBKA has identified research projects costing somewhere in the region of £8 million. At the present rate of spending by DEFRA, it would take 40 years to cover all those research priorities.

It therefore comes as no surprise that, in its response to the publication of the draft strategy, the BBKA stated:

> "Most importantly the BBKA has no confidence in government's commitment to funding additional work and services needed to keep our honey bees healthy."

[Bill Wiggin]

It would help if the Minister let us know when research allocations for this year will be finalised, whether he will make extra resources available for bee health research and whether he accepts the BBKA's proposals.

Rob Marris: I posited a figure of £4 million a year, and the BBKA posited a figure of £8 million over five years. What does the hon. Gentleman think the figure ought to be?

Bill Wiggin: I think that the BBKA figure of £8 million is correct, which is £1.6 million a year over five years. However, the difficulty facing the Minister and all who consider the figures is whether that is an absolute amount and it will guarantee a result. We know because we regularly meet scientists that budgets tend to grow over time and that it would be impossible for anyone to guarantee that a solution would be found within that time. We recognise the constraints that DEFRA has to work under, but today we seek a commitment from the Minister that more funding will be available for the necessary research. I shall say why.

This year, two bee-related research projects will come to an end: an assessment of the effectiveness of the shook swarm method for controlling European foul brood, at a cost of £185,393, and the development of a monitoring system for the small hive beetle, at a cost of £225,772. Those projects had a combined cost of more than £411,000. Will the Minister confirm whether an amount will be reinvested in bee health research similar to that spent on the projects that are coming to an end?

DEFRA is funding only two other research projects at the moment. The numerous threats that face our bee populations—varroa, viruses, hive beetles, foul brood and colony collapse disorder—make a compelling case for undertaking more research. Unfortunately, due to Government cuts, we are in a weakened position when it comes to supporting bee health. Bee research has not been given the priority and resources that it needs from the Government. As a result, we are losing crucial expertise in this area and we are now really feeling the effects.

In 2006, our leading research centre at Rothamsted lost some of the world's top experts in bee health, including Dr. Brenda Ball, a world-renowned expert on bee viruses and pathology with more than 30 years' experience, Caroline Birchall, a graduate scientist working on the biocontrol of varroa project, and Norman Carreck, a bee scientist and keeper with 20 years' experience. Regrettably, that also means that the reference collection of bee virus samples has gone to Sweden. Because the Central Science Laboratory does not have the expertise or resources available, the progress that those scientists could have made has been lost, and there is a vacuum that needs to be filled.

By contrast, a greater commitment has been made to researching bee health in other countries. In the USA, $80 million from the Government and industry is being invested into researching bee health and colony collapse disorder. Although it might be helpful to see the outcomes of that research, we should remember that it is no substitute for research in this country because that can focus on the localised conditions, environment and climate of the British Isles.

I welcome the efforts of the BBKA to press DEFRA to consider providing the resources necessary to give bee health the research priority it needs, and its efforts in finding funding from other sources, such as the Wellcome Trust, which was mentioned.

It is important that the Government do not try to hide from their responsibilities to beekeepers and the wider economy. We are looking for leadership, not spending commitments. This is one of the most serious issues facing British agriculture and, as such, the Minister needs to guarantee that the Government will listen to the responses of the BBKA and others to the bee health strategy, so that it can be implemented as soon as possible and so that it is a workable solution to the challenges faced by beekeepers and the nation's bees.

12.11 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jonathan Shaw): I thank my hon. Friend the Member for Norwich, North (Dr. Gibson) for introducing this timely debate and other hon. Members for their contributions. It gives me the opportunity to explain the Government's position on bee health and especially our plans for working with beekeepers to secure a healthy and sustainable bee population, as was set out in the draft bee health strategy, which is currently out for public consultation. I want to get our view on some important issues on the record and then address the sheaf of questions that hon. Members raised. Perhaps I can answer those questions if hon. Members resist intervening unless they are compelled to do so—that is for you, Mr. Cummings, to determine.

The development of the Government's strategy confirms our ongoing commitment to protecting and improving the health of honey bees and to sustaining and supporting beekeeping now and for future generations. The aim of the strategy is a sustainable and healthy population of bees for pollination and honey production in England and Wales via strengthened partnership between Government and other stakeholders. It seeks to address the challenges facing beekeepers. In particular, it sets out outcomes, activities and priorities for protecting and improving the health of honey bees in England and Wales, and the roles and responsibilities of Government and other stakeholders in achieving those objectives. The intention is to provide direction and focus for Government, beekeepers and other stakeholders to work together for the next decade on sustaining honey bees. Strengthened partnership working is crucial in achieving the strategy's aim and outcomes, and it will ensure that both current and evolving threats to bee health are effectively identified, assessed and acted upon.

Before outlining the key outcomes on which we wish to focus, I should like to say something about the work that the Government have already undertaken to protect bee health. As was mentioned, the National Bee Unit and its inspectors receive annual funding of around £1.3 million from the Department for Environment, Food and Rural Affairs, and a further £300,000 from the Welsh Assembly Government. Additionally, DEFRA allocates about £200,000 to specific bee health research. I put it that way because bee health benefits from a number of additional generic research projects. For example, the Department is funding the development of a biosecurity microchip to detect a range of viruses,

including bee viruses. The proportion of additional work attributed to bee health is estimated to be worth around £120,000.

The main activities of the National Bee Unit are: providing effective, risk-based inspection and enforcement through a field team of professional bee inspectors to control notifiable pests and diseases, and to implement regulations; undertaking research and development; communicating evidence-based specialist advice to all stakeholders; contributing to policy development, including horizon scanning and risk management of current and emerging threats; providing quality-assured diagnostic services on outbreaks of pests and diseases; contingency planning for the arrival of exotic pests and diseases and other emerging threats—I shall come to hon. Members' points about that; and supporting the development of good husbandry through training and education programmes that are co-ordinated with national and local associations and that aim to help beekeepers to become more self-reliant in controlling pests and disease and to aspire to higher standards of beekeeping.

That is a pretty impressive list of activities but it does not tell the full story. The National Bee Unit is one of the leading centres of expertise in bee health in Europe and a major contributor to bee science, with an international reputation for excellence. That expertise is made readily available to our beekeepers. However, the Government cannot protect and sustain bee health by ourselves, nor should it be that way. The various challenges and threats can be properly addressed only through effective partnership working, with individual beekeepers at the heart of the relationship. As the draft strategy that was produced following extensive discussions with key stakeholders makes clear, local beekeeping associations have a key role in helping to support, encourage and educate beekeepers to adhere to best practice. That is important.

The debate is about the future of the bee industry. It needs to be recognised that in this country, the industry comprises both professional beekeepers and a much larger contingent of hobby beekeepers, as hon. Members have rightly emphasised. That presents particular challenges. The craft of beekeeping is not a hobby to be taken up lightly; it brings with it responsibilities to ensure that effective pest and disease control and associated good husbandry are adhered to. Thankfully, many good beekeepers and a range of active associations are ready to help, in addition to the wealth of information available from the National Bee Unit. However, not all those who keep bees choose to seek advice or to make themselves known, which is a concern and something that needs to change. I urge all those who keep bees to read the strategy and to get in touch either directly with the NBU or via their local association.

The importance of engaging has been given renewed emphasis by the many reports of colony collapse, which raises the question of how seriously our bees are under threat. Many of our beekeepers have experienced significant losses. Those are being investigated by the NBU as a matter of priority. Additional funding of £90,000 this financial year has been allocated for that work and to carry out the necessary checks on the resulting increase in imported replacement stocks. I am pleased to report that the more recent upturn in the weather is aiding recovery, including the expansion of existing colonies.

Colony losses are not solely a UK phenomenon. There have been high losses in a number of other European states: Denmark, Spain, Germany and Italy have all reported losses, many at a higher level than those seen in the UK. The French agency for food safety has set up a working group, which includes the UK, to analyse the position. To aid the group, the European Food Safety Authority has been asked to collate information on losses throughout the Community. We will engage closely in any follow-up work. We are also in contact with the authorities in the US and have discussed their investigations into colony collapse, but there is more work to be done.

Dr. Gibson: The Minister is talking about other countries. I mentioned that $80 million is being spent in the United States, but how much do France, Italy and Greece spend on research similar to that for which we are asking in this country?.

Jonathan Shaw: We do not have a record of what each EU member state does, but I shall come to the situation of England and Wales in that context in the time remaining.

There is still more work to be done. The emerging picture is that there seems to be no single cause of colony losses and that a multitude of factors could play a part, as hon. Members have said. Our investigations indicate that poor varroa control and lack of attention to good husbandry—particularly when combined with a poor summer last year and a poor early spring this year—have played a significant role in many losses in this country, and we will continue to investigate.

The strategy sets out five key outcomes, with detailed actions to be taken to achieve them, and I have covered most of the points involved. They include effective communications and good standards, but we must also ensure that a sound science and evidence base underpins bee health policy and its implementation. Much has been said about increased funding, and we will put in additional money, as I said.

On the points raised by hon. Members, the British Beekeepers Association launched an initiative last year to host research with DEFRA, and we supported that. The initiative was an important first step in bringing together a broad spectrum of key players to take stock of the range of work under way. DEFRA followed up by creating a research funders' forum to bring together key parties to improve co-ordination and collaboration on bee health research and to draw on all potential sources of funding. The forum has met twice and is due to meet again this autumn to discuss priorities in the light of responses to the strategy. As the forum's name suggests, the intention is to identify funding sources. It is important to recognise that tackling the issue is a matter not just for the Government and that others must play their part.

Bill Wiggin: The Minister said that more money was coming from the Government. The BBKA and all the beekeepers who read this debate will welcome that. He said the meeting will be held in the autumn, but could he tell us a little about how much money will come in and when?

Jonathan Shaw: Let me repeat that we are allocating an additional £90,000 to the NBU this financial year as a matter of priority.

My hon. Friend the Member for Norwich, North talked about colony collapse. We have looked at almost 10,000 colonies this year, and 19.7 per cent. had died, compared with 15.4 per cent. at the same time last year. Varroa is endemic. The NBU continues to provide advice to beekeepers; indeed, I have with me publications on managing varroa. On behalf of commercial companies, the unit is also looking at the development of veterinary medicines. Varroa is recognised as a key issue in the strategy.

Virtually every hon. Member said that they were not an expert on this issue, but the hon. Member for Weston-super-Mare (John Penrose) probably is the expert in our ranks—*[Interruption.]* Well, once someone raises themselves up in the eyes of politicians, they become an expert.

Dr. Gibson: He is the queen bee around here.

Jonathan Shaw: There we are. I am afraid that the jokes this morning have been appalling.

Importantly, the hon. Member for Weston-super-Mare talked about collaboration. A number of institutions are undertaking research, although I will not read out all their names, given the time that I have. However, a range of research projects are under way, and various Departments are joining up. It is right that collaboration is key.

The same is true of working with other European states. That has not been done before on this issue, but the UK has pushed for collaboration. The National Bee Unit has the science, the service, the research and the diagnostics under one roof. We do not know of any other unit that offers the same service, certainly in the European Union. On these issues, other countries look to us, not least for contingency arrangements, and they will take our arrangements as a blueprint when dealing with losses due to a variety of diseases. In a similar way, we have contingency arrangements for dealing with different animal disease outbreaks. We are putting research funding in. We are also seeking to have discussions on working with the Wellcome Foundation, as hon. Members have said.

The hon. Member for Somerton and Frome (Mr. Heath) drew attention to the horticultural industry in his constituency, in Somerset. He talked about tightening the rules on imports, and we certainly want to look at that. Again, the UK has been pushing the issue at a European level. It is coming higher up the political spectrum in the UK, and we have been leading on it in the European Union.

We need to collaborate. Time and again, hon. Members have said that we need to find out what is going on. That requires beekeepers in England and Wales to co-operate with us, to provide us with the information that we need and to take part in the strategy. We are keen that people give us their thoughts on the strategy; otherwise, it will not be complete.

Mark Hunter: Will the Minister give way?

Jonathan Shaw: I have only five minutes, but I have a whole raft of questions to answer.

The hon. Member for Carmarthen, East and Dinefwr (Adam Price) set out his concerns, as did many other hon. Members. He said that the picture is complex, and it is. He also referred to the funding from the Welsh Assembly Government.

The hon. Member for Cheadle (Mark Hunter) referred to a constituent of his. He asked whether we were turning our back on people, and we are certainly not doing that. We are very much engaged in these issues, which is why we published the draft strategy. We want people to be involved in it, and I urge the hon. Gentleman to ask his constituent to take part in the process and to make a contribution.

My noble Friend Lord Rooker said that bees might disappear; he did not predict that they would. Clearly, however, we need to manage our resources and to understand how diseases impact on our bee population.

The hon. Member for Brecon and Radnorshire (Mr. Williams) made a reasonably good joke at my expense. However, he also spoke about a constituent who was optimistic and talked about better expertise. We all want expertise to flourish, because good husbandry is key to resolving the issue. The hon. Gentleman also referred to the NFU and compared us with other European countries. Part of the strategy relates to the accessibility of medicines and the procedures available under European Community veterinary medicines legislation. We are committed to encouraging marketing authorisations for additional treatments.

The hon. Member for Leominster (Bill Wiggin) made a good speech recognising that we need to find out far more about what is going on. That requires collaboration and important information. He also welcomed the strategy, and I thank him for that. As I said, we want people to engage with it and to make a contribution.

I am grateful for hon. Members' contributions. We take the issue seriously. We know that people are passionate about beekeeping. My hon. Friend the Member for Wolverhampton, South-West (Rob Marris) said that he was passionate about it and that he loved bees, although he had some appalling jokes. However, this is a serious issue, and hon. Members have articulated concerns on behalf of constituents whom they have met.

Adam Price: Is the Minister aware that an Australian parliamentary committee has today said that 50 million Australian dollars should be invested in protecting the future of the bee industry there? Could we not see a fraction of a similar commitment from the UK Government?

Jonathan Shaw: I have not seen that statement from Australia, but I have indicated that there are additional resources. As the hon. Member for Leominster said, we need to understand what is happening so that we know what we need to fund and what priorities we need to set.

This has been an informative debate, and it is part of the wider discussion that we will have in this place and outside. I am grateful for the information that hon. Members have brought to the debate from their parts of England and Wales.

Post Office Closures (Shropshire)

12.30 pm

Mr. Philip Dunne (Ludlow) (Con): I am most grateful for this opportunity to highlight the impact of proposed post office closures in Shropshire to the House and, hopefully, to the Minister responsible. I speak as secretary of the all-party group on post offices. I had thought that that association—*[Interruption.]*

John Cummings (in the Chair): Order. Will Members please leave the Chamber in silence? Members of the public should also leave in silence.

Mr. Dunne: Thank you, Mr. Cummings. I had thought that my being an officer of the all-party group might help my campaign on behalf of my constituents, but as I shall explain, the Post Office has shown me no favours whatever for that relationship, as it seems to have singled out the constituency of Ludlow for the harshest treatment of all in its review of Shropshire and Staffordshire. I am pleased that this debate is supported by my parliamentary colleague from Shropshire, my hon. Friend the Member for The Wrekin (Mark Pritchard). With your permission, Mr. Cummings, I shall try to give him the opportunity to contribute to this short debate.

I sought today's debate in order to give the Minister a last chance to explain to the people of Shropshire why he is forcing through so many post office closures. It is ironic that he seeks to slash the post office network by 2,500 post offices across the country without the support of 89 of his parliamentary colleagues, including several Ministers—the Home Secretary and the Justice Secretary, to name but two—who have campaigned actively against closures in their constituencies.

Before I get into the specifics of the closure programme in Shropshire, I have a question that I hope the Minister will address in his response, as it would clarify a point put to me by many of my constituents. The Government have decided to limit the subsidy that they provide to Post Office Ltd to maintain the rural post office network. The subsidy of £150 million has been fixed at that level for the next three years, as the comprehensive spending review confirms. Quite properly, under EU regulations, that state subsidy required confirmation by EU authorities under state aid rules. Did the Government have any discretion over the amount of the subsidy subjected to the EU approval process? Was the £150 million limit set by the EU or the Government?

As of today, 810 post offices have been confirmed for closure in areas where plans have been concluded. Only 43 had been saved as of last night, yet they have been saved at the expense of a further 23 that were not originally identified for closure. A net of 20 saved out of 810 is a mere 2.5 per cent. It shows why communities up and down the country feel that the consultation process is but a sham.

Post Office Ltd decided to review the counties of Shropshire and Staffordshire together, as a single area. That decision introduces an urban bias into the review process, as combining the sparsely populated rural county of Shropshire with the much more densely populated county of Staffordshire allows the overall access criteria to be met more readily than if the exercise had been undertaken county by county. According to Post Office Ltd, the combined population is 1.48 million, which allows the Post Office to claim in its area plan that

"98.3% of the population will see no change to the branch that they currently use or will remain within one mile of an alternative outlet".

Shropshire has a population of only 286,300, according to the county council. That is less than 20 per cent. of the total population of the area covered by the plan, yet it is to bear the brunt of the closures. Post Office Ltd claims that it proposes to close 53 existing branches in both counties, an area that includes the unitary authority of Telford, which is represented in part by my hon. Friend the Member for The Wrekin.

Post Office Ltd also claims that it will establish 12 outreach service points. That is little short of double-speak. In order for an outreach to be established, a post office must close, so we are in fact facing 65 closures, 28 of which will be in Shropshire, including one in Telford. Half of those, 14, are in Ludlow constituency alone. Out of 17 constituencies subject to review, 21.5 per cent of the total number of post offices to be closed are in one constituency where less than 6 per cent. of the population live, assuming that the constituencies are all of comparable size. Not for the first time under this Government, a disproportionate burden will fall on the rural population. In winding up this debate, will the Minister explain why?

The consultation for our area ended on 9 June. Post Office managers are due to make their final decisions by the end of this month and to announce closures on 1 July. I hope that they will take into account the serious comments and considerable effort put into representations made by many of the communities affected. I have made my own comments and, the Minister will be relieved to hear, will not go into the details of the case for each individual post office. The plans have met with considerable opposition. On the evening that the consultation closed, I presented a petition to the House in which, including the e-mail petition, more than 2,500 signatories objected to the individual closures planned in my constituency.

I have some general observations that I would like the Minister to address. First, the access criteria were meant to be framed by the Government so that

"no particular part of the network and no particular group of people should be significantly more adversely affected by closures".

How does he square that with the impact on my constituency, which has a significantly higher proportion of elderly people than the national average? Some 24 per cent. of the population in south Shropshire is over 65, compared with 17 per cent. nationally. Those people, who include many of the most vulnerable in local communities, rely heavily on their local post offices for access to cash—there are no banks in villages in my constituency—and indeed for much of their social interaction. How do the Government square that with their approach to financial inclusion?

Secondly, many of the data used by the Post Office to make its closure case have been incomplete or inaccurate. Local population statistics have been wrong. Geographic circumstances were meant to be recognised as part of the consultation, but as I illustrated graphically to Post Office managers when they visited my constituency in areas representing each of the communities affected, an 800 ft vertical rise above sea level within a couple of miles from one post office to another does not make for

[Mr. Dunne]

a credible, realistic alternative outlet, although it might appear to when viewed on a two-dimensional map.

Thirdly, economic impact assessments have focused almost entirely on the impact on Post Office Ltd rather than on the local economy. Are not the Government under an obligation to undertake a meaningful impact assessment? If so, why have they failed to require that for an exercise so vital to local communities? Post offices—particularly when they are the last shop in the village, as nine out of the 14 post offices at stake in my constituency are—provide a vital economic lifeline. Once closed, they are most unlikely to reopen. Why has no meaningful economic impact assessment been undertaken of the impact of closures on those communities?

Fourthly, no account has been taken of rural deprivation. Why not? Deprivation is not confined to urban areas. Other Departments recognise pockets of deprivation in all rural areas, yet no attempt has been made to dovetail the network of continuing post office provision with maps of rural deprivation. Why not?

I turn briefly to some of the specific issues relating to the post offices subject to closure in my area. My constituency contains two towns of 10,000 people: Bridgnorth, which I am pleased to say has three post offices, none of which are proposed for closure, and Ludlow, which is extremely similar in size and has two post offices, one of which is due for closure. Why are towns of similar size and social characteristics given such widely differing post office provision?

Mark Pritchard (The Wrekin) (Con): My hon. Friend makes a very strong case for why those post offices should remain open. Like them, the King street post office in Wellington, in my constituency, which has been used by all age groups over many years, is due to close. The Government need to think very seriously about the impact of the closures on rural life and communities.

Mr. Dunne: I am very grateful for that powerful intervention. No account seems to have been taken of the impact on those communities, other than the fig leaf of the outreach service, to which I shall come in a moment, and behind which the Government seem to be seeking to hide when they talk about continued provision in rural areas.

Mark Pritchard: What is my hon. Friend's view of the Post Office card account? That is a very important lifeline, and those who have survived the current closure round will remain under threat if the Government withdraw it in 2010.

Mr. Dunne: I thank my hon. Friend for anticipating something that I was going to raise in my speech. I hope that the Minister will respond to the allegation made by the National Federation of SubPostmasters, which has calculated that if Post Office Ltd does not resecure the contract for the card account, and if it is given to a competing company, up to 4,000 further post offices could face closure. The Post Office card account is vital, particularly in rural areas, because, given the lack of alternative access to cash and other financial services, the post office is for many people the only place where they can access cash.

Furthermore, the more elderly customers, in particular, of the Post Office tended to subscribe to the card account when it was introduced. Originally there were more than 4 million card account users, but that number has declined as the Post Office has been unable to invest in the product pending its resubmission. Indeed, the whole viability of the account was cast into doubt more than a year ago, so it has not been possible for it truly to compete with other products available more widely. Usage has therefore been declining. It is vital that the account be retained by Royal Mail, and it would be helpful if the Minister indicated the timing and likelihood of it being retained.

The other threat to the overall number of post offices comes from those currently closed, but not being counted as closures. The Government have set this arbitrary figure of 2,500, and I have referred to the potential loss of a further 4,000 if the card account is not secured. In addition, however, a number of post offices are currently closed, but for the purposes of the review are recorded as open. There are two such post offices in my constituency: one is in the village of Middleton Scriven—I am willing to name it because it has been closed for the past 18 months. There are 22 households in the parish, and for a long time the post office was run from the front room of a local resident's house. That person passed away, and it was taken on by a retired gentleman after a lifetime working in the financial services industry. He wrote to me in January of last year saying that he was willing to provide the service for as long as he could, but that, given that he had only two customers a week, he did not anticipate a rush of willing volunteers to take over his role when he came to give up, which he subsequently did.

The Post Office has twice readvertised for someone to provide that service to the community of Middleton Scriven, but unsurprisingly there have been no takers. And yet, under this review, such a post office ought naturally to be considered for closure. The local community has already become used to the fact that no facility is available, but owing to the arbitrary access criteria, the Government have made it difficult for the Post Office to recognise it as a closure or to count it as one of the post offices to be closed. It would be very helpful if the Minister commented on the credibility of that programme, given that he is leaving open post offices that have already closed. That would be very welcome in Shropshire.

Another category of very small post offices currently provided for demonstrates—again—a complete lack of logic in the Government's approach. Of the 45 post offices in my constituency, six are provided through short-term arrangements at village halls. In a sense, they represent a precursor to the outreach planned under the current arrangements. In some of those facilities, no indication is given on the outside of the building that any post office activity is taking place inside. That might be done for sensible security reasons—so that there is no open invitation to break in to those who might think that cash is stored on the premises. That might be a wise precaution, but it means that only the immediate users in the village know when the post office is functioning. The number of users will decline pretty rapidly, therefore, when a post office closes and outreach provision is put in place in an anonymous village hall.

One such facility continues to operate in my constituency, within a mile and a half of a post office run from the premises of a garage forecourt. That village hall provision is available for two hours a week, but the hours have changed in the past two years, and I myself have not managed to go when it has been open. That outreach service is provided by someone whose equipment has not been working recently, so in recent months he has been driving its two or three customers to the post office a mile and a half away to conduct their transactions and driving them back again. Yet the Government and the Post Office have proposed that the village hall service should continue, and that the much more used—albeit it is not used much because it is a relatively small village—post office shop facility should close. That is illogical, and I have made representations to the Post Office urging it to reconsider.

I shall turn to some of the other outreach proposals. It seems nonsensical for the Government to insist on the closure of a post office being run from a shop's premises and then to prevent a continuing outreach service—a service that Post Office Ltd has agreed should be provided to a community given its geographic isolation—from being provided on the same premises. There is a very urban approach to competition, and it is feared that if such a shop continues to be recognised as the local post office, business would be driven away from neighbouring post offices. Inevitably, if an outreach facility is set up to provide a service for a few hours a week, from a mobile van parked up outside a village hall or a pub someplace distant from the previous shop post office, usage will decline relatively rapidly, as I described earlier. Why not try to help local communities being harmed anyway by post office closures by allowing the service to continue to be provided either from the premises, or from the car park or adjacent area of the existing shop? Why does the Minister think that communities will get a better service from such a mobile facility located remotely?

In conclusion, I urge the Minister and, through him, Post Office Ltd to take account of representations made by many constituents—not just the 2,500 signed petitions, but the extensive written submissions presented on behalf of many of the communities affected. Worthen has made a particularly powerful case, as have the villages of Marton and East Hamlet, in Ludlow, where more than a thousand people have participated in attempts to retain a post office. I have also had representations from the community of Lydbury North, which is suffering the possible loss of not only its post office but its school. That post office is within a community shop that is manned by volunteers, which means that it can provide an extremely cost-effective service as the existing shop is already being supplied to the community at virtually no cost.

12.50 pm

The Parliamentary Under-Secretary of State for Business, Enterprise and Regulatory Reform (Mr. Gareth Thomas): Let me start in the usual way by congratulating the hon. Member for Ludlow (Mr. Dunne) on securing the debate. My hon. Friend the Minister for Employment Relations and Postal Affairs is unable to attend the debate due to business in another part of the House. Neither my hon. Friend nor I have a role in deciding which post offices should close. That is a matter for Post Office Ltd following a consultation involving Postwatch, local people, Members of Parliament and others.

The proposed closures in Shropshire are part of the wider programme announced last year by the then Secretary of State to reduce the network by up to 2,500 post offices, thus taking the number of branches to about 11,500. The background to that difficult decision is that the network is losing about £500,000 a day. It has 4 million fewer customers a week than it had three years ago and 75 per cent. of branches are unprofitable. If it were run as a commercial network, it would probably have only about 4,000 branches. In some rural branches, the cost per transaction is £17. That decline is the result of a combination of lifestyle changes, new technology and increased competition. Eight out of 10 pensioners have their pensions paid directly into the bank and 1 million customers a month renew their car tax online, compared with 500,000 a year ago. The Post Office now faces competition from companies such as PayPoint, which won the contract for the TV licence. I add that the Government played no part in that decision.

Faced with those challenges, the Government have taken the necessary difficult decisions to put the network on a stable footing. The challenges have been recognised by the National Federation of SubPostmasters whose general secretary said at the start of the programme:

"Although regrettable we believe that closures are necessary to ensure the remaining post offices are able to thrive in the future".

Even the shadow Secretary of State for Business, Enterprise and Regulatory Reform, the hon. Member for Rutland and Melton (Alan Duncan), has said in a debate on the post office network that

"we have to face the facts about the future of postal services in this country...we fully expect the network to shrink in size. We have never given a guarantee that no post offices will close". —[*Official Report*, 19 March 2008; Vol. 473, c. 947.]

I understand the fundamental premise that no one wants their local post office to close, but it is important to see the changes in their proper context. Even after the programme, the network will still be larger than the major high street banks combined.

Mark Pritchard: Will the Minister give way?

Mr. Thomas: Not with the time that is available, as I want to answer the questions of the hon. Member for Ludlow.

As the hon. Member for Ludlow has indicated, at least 500 new outreach services will be introduced, mainly in rural areas, including seven mobile services in his constituency. They are a cost-effective means of ensuring continued access to post office services in rural areas, and research shows that customer satisfaction levels for them are comparable to those for traditional post offices. The Government have also committed additional funding of £1.7 billion up to 2011, including £150 million per year to support non-commercial post offices. The hon. Gentleman asked whether the European Commission was dictating how many post offices should close or how much subsidy should be provided. Let me make it clear that a maximum level of state aid to subsidise post offices is not included, for example, in the European postal services directive, which has been one concern. Decisions about the level of subsidy were not part of some sort of price agreed with the Commission

[Mr. Thomas]

about the number of closures. Those decisions remain very much the preserve of the UK Government.

The access criteria laid down by the Government are designed to ensure a national network with reasonable access to post office services throughout the country. Broadly speaking, most people should be within one mile of a post office outlet in urban areas and within three miles in rural communities. Without the access criteria, many more rural communities would be left without access to post office services, as only the least used branches are closed.

Before change proposals are published, Post Office Ltd discusses them with local authorities and sub-postmasters. On average, 12.5 per cent. of proposals have been changed as a result of detailed input from key stakeholders such as Postwatch before the local public consultation. As the hon. Gentleman indicated, a number of closure decisions have been withdrawn, but I accept that some, though not as many, additional branches have been proposed for closure.

There has been much discussion about the closure of allegedly profitable branches, but people should be cautious when talking about what is profitable. When one takes into account the remuneration that must be paid to the sub-postmaster, as well as the Post Office's central support costs, three out of four post offices lose money. The Government have encouraged the Post Office to explore fully any serious proposal from a local authority to maintain a service where a branch is scheduled to close, although it would want to ensure that its costs would be met in full and that there would be some certainty for the future. Such arrangements would also need to be state aid compatible.

Mr. Dunne: The example of Essex county council has received much attention in the media recently. Will the Minister confirm that local authorities are being provided with no additional subsidy from the Government, and that local authorities offering to take on post offices are therefore proposing to replace the subsidy that the Government provide?

Mr. Thomas: I can confirm that no additional subsidy is being made available by the Government to the local authorities concerned. Such decisions to get involved are very much for them to take.

The hon. Gentleman also asked about the card account, and I recognise that there are concerns about that. He might know that the Department for Work and Pensions is managing the tender process for the new card account. Clearly, it would not be appropriate for me to comment on the outcome of that process, but we expect that there will be an announcement on the successful bidder in the coming months, in accordance with the usual procurement rules.

Looking to the future, the Post Office needs to keep developing new products and new reasons for customers to come through the door. There has been progress in that direction, with the Post Office emerging as the largest foreign currency dealer in the country, developing car and household insurance products and providing broadband in association with British Telecom. It is also actively exploring a range of new business opportunities, and is developing and trialling new approaches to providing and delivering services to local authorities.

The future of the network cannot be about turning back the clock; it must be about developing new products and new reasons for customers to use post offices. As I said at the outset, the process is not easy and there will inevitably be considerable concerns in communities faced with the prospect of local branch closures. However, doing nothing in the face of declining business and mounting losses simply is not an option.

Regeneration of Featherstone

1 pm

Jon Trickett (Hemsworth) (Lab): I am delighted to address the House under your chairmanship, Mr. Cummings. I know that because of your background, you have a great affinity with mining areas and former mining villages. Featherstone is one of several communities in west Yorkshire that I have the privilege to represent. I am pleased to see a distinguished and diligent Minister in his place to respond to the debate. I shall seek to persuade the Government that Featherstone has particular regeneration needs, and I hope that he will be able to address them.

When I first arrived in my constituency, in which there are about 23 villages or small townships, the shadow of the strike and the subsequent closure of all the collieries there was still strongly felt in almost every village. I have a strong image in my mind of the devastation that those terrible closures wrought on those communities. The work of regenerating them is still far from finished, but I am pleased to say that many villages, small towns, communities and neighbourhoods are looking forward to real growth and regeneration. The struggle has been hard but rewarding.

When considering regeneration in Featherstone, there are people who say that the glass is half full, but also those who say that it is half empty. Whichever view one takes, the process of regeneration is far from complete, for a number of reasons to do with Featherstone's history and geographical location. It stands some way from the M62, the M1 and the A1, which form the main road network around the communities that I represent. Many of the others are much closer to the motorway and therefore easier to regenerate.

Featherstone is still the sixth most deprived ward in the Wakefield area, and some parts of the town are in the most deprived 5 per cent. in the whole country. That statistic speaks volumes. A lot has been done, some of which I shall mention, but the people of Featherstone and I will not be satisfied until regeneration becomes a self-sustaining process and there is a virtuous circle of regeneration. We are not there yet. That is why I wish to argue the case for Featherstone becoming what will be called a coalfield action partnership area. I would like CAP status to be applied to Featherstone.

Let me recount work that has been done on three matters, the first of which is jobs. When I first arrived in Featherstone on the proud day when I had been selected as the Labour candidate, I drove through the town past a road that appeared to go to nowhere—indeed, that was exactly what it did. The road was part of Green lane and went to where the colliery had been. It had been paid for with European money. It was a wonderful road, beautifully tarmacked and with street lights and so on, but it went nowhere. It went to where the pit had been, where by that time there was only a generating station and a lot of weeds. With other people, I persuaded English Partnerships and Yorkshire Forward to take a risk and build some empty units to see whether we could put jobs there. About 10 years later, I am delighted to say that there are more than 2,000 jobs on that site, and 300,000 sq ft of properties have been developed there. It is a fantastic success for the area.

A local entrepreneur, Mr. Ian Cushnie, who runs a firm called CMS, got a small amount of European regional development fund money, mainly through his own sweat, toil and ingenuity. On a site in the centre of Featherstone, he built eight industrial units, most of which are now filled, and a large warehouse. We have also had £2.2 million awarded to the Chesney centre, which contains some small starter units for small businesses, office space and facilities for training and community development. I am sure that you have seen plenty of that sort of thing in the area that you represent, Mr. Cummings.

To show that we have excellence in the local economy, I shall mention Copley's farm shop. Not everybody might imagine that there could be a farm shop of great excellence in a former colliery village such as Featherstone, but Copley's, a small family business that I believe was started only five years ago, now employs 22 people. It has been so successful that it has been acknowledged by Claridge's, of all places, as the best farm shop in the country. That proves the excellence of the local staff and work force. I do not know whether you have ever been to Claridge's, Mr. Cummings. I certainly have not, but I might well go. If you are ever passing Hemsworth or Featherstone, you would be more than welcome to come to Copley's farm shop.

We have been busy trying to create jobs in the Featherstone area, but questions remain. What kind of jobs are being created? How many of the 2,000 or so people in jobs on Green lane live in Featherstone and how many have been brought in from outside? There is not enough of a link between the new jobs and the employment of the people who live in the area. I see from the statistics that the number of people living in Featherstone who are, unfortunately, on income support is 50 per cent. higher than the average for the country. That tends to indicate that the new jobs that have come do not pay very well and may not be of the same quality as those that existed when the coal mines were open. We need to think about that.

The second issue that I wish to mention is education, which in many ways is the key in coalfield areas. As you know, Mr. Cummings, levels of educational attainment in those areas vary. In the Wakefield area, of which Featherstone is part, a significantly lower than average number of people in the working population have level 3 qualifications. It is important that that educational deficit be addressed so that we can overcome the problems of low pay and of poor access to the employment opportunities that the new economy is creating. In particular, the deficit reflects the poor skills base among young people who are not in education, employment or training—the so-called NEET group. The proportion of young people not in any of those three categories is higher in Featherstone than in many other places. That is why we have put a lot of work into ensuring that there is investment in education in the area. I have mentioned the £2.2 million awarded to Chesney's, where there is adult education.

Almost all the primary schools in the area have had significant additional funding in the past 10 years, but I shall focus on high schools to show how much the Government have invested in the Featherstone area. St. Wilfrid's, which is a Catholic school in north Featherstone, has benefited from £6.25 million for major refurbishment and remodelling, and it draws in people from a wider

[Jon Trickett]

area than just Featherstone. Featherstone high school, which has now become Featherstone technology college, has received even more money. There was a major refurbishment costing £2 million when it became a technology college, a new sports centre cost £3 million, upgrading the existing facilities cost £500,000, securing technology college status cost £250,000 and a new swimming pool cost £1.3 million. Altogether, about £7.33 million was spent on the campus. That is a demonstration of the confidence that both the Government and the local council, Wakefield metropolitan district council, have in the future of Featherstone. They are optimistic that Featherstone has a promising future.

As I said, £7.33 million has been spent on Featherstone technical college and a further £6.2 million at St. Wilfrid's school. The technology college, which is the former high school, is repaying every year the confidence that the Government had in it. Every year, we are seeing better results than it was able to achieve the year before. We have broken records at the college in terms of the number of young people achieving exam passes. This year, we expect to get to about 38 per cent. of students—I think that that is the figure—achieving five GCSEs, including maths and English. If so, it will be another record-breaking year and it will be thanks to the brilliant leadership of the head teacher, Stuart Wilson, together with the staff, parents and obviously the young people themselves in producing these fantastic results. After all, education and training is the way for people to take advantage of the new economy being created in our country.

Along with jobs and education, the third area that I wanted to mention is housing. When the Conservatives left office and Labour took over, a great deal of the council housing stock was in disrepair. Many council houses—indeed, most houses in the country—had been left unfit after 18 years of Conservative Administration. It is true to say that Wakefield, which previously had been a series of smaller urban district councils and rural councils, had always looked after its properties, but the fact is that, after all those years, much needed to be done.

Since the council housing went into Wakefield and District Housing, which is run by Kevin Dodd, £14 million has been spent on housing in Featherstone alone, putting right the effects of the many years of neglect. It is true to say that that work has been done rapidly. Occasionally the workmen have perhaps focused on getting the work done as quickly as possible, and from time to time that has caused irritation and frustration for the householder involved. However, when the work is finished, it is fantastic for the householder to have heating, a new kitchen, new electricity supply and all the other things that are being fitted. Clearly, £14.3 million is a huge amount of money.

There is also a master plan for the town that proposes the building of new housing. As we know, the nation as a whole needs much more new housing. Certainly, it would be welcomed by many people in Featherstone if some new housing was to be built in the town, to increase the housing mix. We are very interested to see how that construction process develops.

There is one very dark black spot in housing in Featherstone, which is the former Coal Board houses on Girnhill lane. As I am sure you know, Mr. Cummings, when the pits were closed, Mrs. Thatcher and the Coal Board decided to sell off the Coal Board houses and they were duly sold off. The houses on Girnhill lane were in need of serious remedy; in effect, they had been built with structural defects. They were sold off to a variety of different landlords. Sometimes they were sold off to the council; quite often, colliers who might have saved a bit of money—redundancy money or whatever—then bought their own house and that was a source of great pride for them. For example, I think of George Harrison, who lives on Girnhill lane, who has built a wonderful house there and put an enormous amount of love and attention into it, as have his wife and the rest of his family. However, it is sad to see the extent to which the estate has degraded, to the point where radical action must now be taken.

Three different Ministers have visited Girnhill lane with me: Charlie Falconer, or Lord Falconer as I had better describe him in this place; Lord Rooker, and the current Minister for Local Government, my hon. Friend the Member for Wentworth (John Healey), who visited when he was a Treasury Minister. All three of them were shocked at the state of Girnhill lane. The council has made money available—about £5 million so far—but when the few people who are still living there look around them, they say, "It cannot possibly be true that they have spent £5 million in Girnhill lane, John, because where has it gone? And how come it has taken so long?"

I must say that I am very frustrated indeed and I understand the anger of the people who live on Girnhill lane that we have not seen further action. However, the truth is that, because Mrs. Thatcher split up the Coal Board estate into so many little parcels of land, it has taken ages to reassemble the estate, buying each small parcel of land to establish an overall development. One landlord owned probably half the estate in the area, but lived in South Africa. It was very difficult to contact him or negotiate a price with him. The negotiations with him went on far too long, in my opinion; we might have used a compulsory purchase order against him some time before we did. The process took a long time and it was very frustrating. I feel frustrated and sometimes angry about it, and certainly the people who live in Girnhill lane do, and rightly so.

The land assembly has been more or less completed now at Girnhill lane. We want to proceed with the construction of 220 new houses, which is a very exciting prospect indeed. However, the time for waiting or for meetings behind closed doors in the council or regional offices is over; I want to see action now in Girnhill lane and I know that the people who live there feel that even more strongly than I do.

If we are not careful, however, all the work on housing that I am talking about will pass the local people by, because workmen will come in, do the work and then move on. I would like to see some of this house building that I have mentioned linked by training to apprenticeships for many of the young people in the area who are looking for stable future employment. Why should such apprenticeships not be in a building trade, given all the housing that will be built in the area?

Briefly, I want to touch on the several issues that still need to be addressed. First, the supermarket deserted the town and left just an empty building there. Without a supermarket, the town centre is not in a healthy state and the local traders desperately want some form of

regeneration for it. If necessary, the public sector, including the Government, needs to say, "We will make a supermarket happen there." That happened in Hemsworth; we got Tesco to come and that Tesco supermarket is part of the regeneration of that town. A similar process must happen in Featherstone.

I would also like to see linkage between all the jobs at Green lane that I mentioned and the rest of the town. At the moment, Green lane is a dead-end road: people drive in off the M62 to work there; there is a cul-de-sac, and then there is the town, 50 yards further away. I would like to see a linkage between the two roads, so that some of the money and economic activity in Green lane spills out into the rest of Featherstone. I have already mentioned that much more work needs to be done on housing, and I will not repeat that.

Featherstone is a sporting town. No doubt, Mr. Cummings, you will know a great deal about Featherstone Rovers, which is a very famous and excellent rugby club that is well led and deeply ingrained in the local community. It is working with difficult youngsters and others who need help on very exciting projects. The chair of the club is Paul Coventry, who is very dedicated both to the rugby club itself and to its integration into the town, as are the other directors. However, there are many other sporting activities in the town, from the cricket and bowling green to Featherstone Lions, which is an amateur rugby league club. All those sporting activities and organisations ought to be brought together on to a campus somehow, so that we can have a sense of sporting excellence right in the middle of Featherstone.

Finally, there are the highway problems: poor highways are one of the main problems that we have in Featherstone. There is huge congestion, with people driving backwards and forwards, often bypassing Featherstone. The obstructions and difficulties with local highways are causing real problems. We have a plan for a south-east link road, which would begin to alleviate some of those problems.

All of those ideas are being brought together. I have said that there has been about £30 million of investment over the last 10 years in the Featherstone area, but there is more to do. There is a master plan for the town and an urban renaissance document, but they must not be reduced to subjects for a shallow talking shop. I want action, and so do the people of Featherstone. That is why I support the proposition that Featherstone should become a coalfield action partnership area. The primary agencies—the Coalfield Regeneration Trust, Yorkshire Forward, English Partnerships and Wakefield metropolitan district council—should come together urgently to ensure that a coalfield action partnership is agreed and that it proceeds.

I have discussed all those matters with my hon. Friend the Minister and Cabinet Ministers. The subject has been discussed at the highest levels. I want the Government to move from talking to the action that is required. I press my hon. Friend the Minister to commit the Government to working with me and others to ensure that Featherstone is successfully integrated into the economic success story that we are seeing elsewhere in west Yorkshire.

1.20 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright): As ever, it is a pleasure to serve under your chairmanship, Mr. Cummings, especially as you are my parliamentary next-door neighbour. I should imagine that you were interested in the speech of my hon. Friend the Member for Hemsworth (Jon Trickett), given that you represent a similar area.

I congratulate my hon. Friend on securing this debate and on his excellent speech. For many years he has been tireless in raising in this House and with Ministers and officials the subject of regeneration and housing renewal in his constituency, including the Girnhill estate in Featherstone that he discussed today. His passion for promoting jobs, education and housing in the former mining communities that he represents and for improving his constituents' quality of life is a testimony to his commitment to his constituency and to his strong representation and leadership of his local area.

In the time available to me, I would like to respond to my hon. Friend's contribution by covering three broad areas. First, I would like to set out the benefits that this Government have achieved through housing regeneration and what the future challenges are. Secondly, I would like to set out what we are doing to support former mining communities going through change, in particular in Wakefield and Featherstone itself. Thirdly, I shall address some of the specific issues that my hon. Friend raised about regeneration of the Girnhill estate.

As my hon. Friend rightly said, since coming to power in 1997, we have reversed the legacy of decades of under-investment in housing. We have made significant inroads into the £19 billion backlog of repairs to social housing that we inherited. In his region, the number of non-decent homes has fallen by more than 150,000 since 1997. That is improving living conditions and people's quality of life, and contributing to sustainable communities where people now want to live.

Through the housing market renewal programme, for which I have ministerial responsibility, we are giving significant support to those areas in the west midlands and the north, including parts of Wakefield—I have visited the area—that were hit hardest by the decline of traditional industries and which need to tackle problems of severe market failure. We are seeing real progress in those areas. As the National Audit Office found last year, all pathfinder areas have started to close the price gap in their region, and there have been substantial physical improvements in many neighbourhoods.

However, we recognise that more needs to be done, as my hon. Friend said. That is why last year we announced £10.2 billion of regional housing resources nationally for 2008 to 2011. Yorkshire and the Humber is set to benefit from £559 million of that. Compared with last year, that is a 32 per cent. increase in funding in my hon. Friend's region by 2010-11. We have set the region a challenging target for delivery of additional affordable housing, but there will also be a high level of expenditure on improving existing housing and on regeneration projects. In addition, we have been able to announce a further £1 billion investment in the housing market renewal programme over the next three years. That includes a planned £203 million for Yorkshire and the Humber, of which £12 million is planned for coalfield settlements in parts of Wakefield.

[Mr. Iain Wright]

We are facing new challenges to build much-needed new homes and to tackle problems of affordability in all our communities. It is important, however, that in areas of the north we balance growth alongside regeneration and continue to focus our efforts on areas with deep-seated structural problems, such as the mining communities my hon. Friend represents.

I am well aware, as are you, Mr. Cummings, of the impact on mining communities of the demise of the mining industry. My constituency, too, has felt the impact of industrial change with the decline of shipbuilding and heavy manufacturing industry. As my hon. Friend knows, many proud, hard-working families have faced real hardship and have needed support to adapt to the changing social and economic landscapes emerging in such areas. That is why, through support of the Coalfield Regeneration Trust since 1999, we have invested more than £1 million in the Featherstone ward and more than £2.3 million in Hemsworth as a whole. As my hon. Friend said several times today, he is leading the calls for Featherstone to be identified as a coalfield action area for future investment. I am sure that he will be extremely successful in that.

None of that support and investment can work without local leadership and strong partnership working. To be frank, and to embarrass my hon. Friend, one of the things that impresses me about him is his ability to bring together the relevant agencies—Wakefield council, the Coalfield Regeneration Trust, Yorkshire Forward and English Partnerships—and the local community to make the regeneration of Featherstone a high priority for all concerned. My hon. Friend's ambition for his area means that the issue is now being discussed at the highest levels of Government, and it will ensure that a co-ordinated approach is taken to bringing real and sustainable regeneration to Featherstone.

We also need to tackle specific housing market challenges in our mining communities. I believe we would all agree with my hon. Friend that the decision by the former National Coal Board, under the Conservative Government, to dispose of its housing stock had a negative impact on too many mining areas. As he said, many homes were bought by landlords. I have no doubt that many were responsible and had good intentions, but many were speculative, absent, or plain irresponsible and had no regard for good housing management or the feelings of local residents. As a result, as my hon. Friend knows only too well and as I have seen on my own patch, many neighbourhoods fell into decline. Local residents who could simply left, while those left behind often remained in intolerable living conditions.

I have spoken about what we are doing through the housing market renewal programme to turn areas around, but that is not all. For example, through the Yorkshire and Humber Regional Housing Board we have invested £18 million between 2005 and 2008 in the green corridor partnership project to address the issues of former coalfield settlements in south-east Wakefield, Barnsley and Doncaster and to develop quality living environments and sustainable communities. My hon. Friend is far too modest to mention it, but he should take a lot of credit for that initiative, which demonstrates the impact that he can have in Whitehall. It was his invitation to the former Housing Minister, my noble Friend Lord Falconer, which proved to be the necessary catalyst for action to improve those areas.

There is still much to do in the former mining communities. My hon. Friend raised concerns about progress on the Girnhill lane, Featherstone, regeneration project. I would like to say how sorry I was to hear about some of the problems that are emerging on that estate. It must be extraordinarily distressing to live on the estate in its current condition. I look to the council, the police and other appropriate agencies to ensure the effective management of the estate while it goes through change, and to ensure that the remaining residents can live safely in their homes.

As my hon. Friend said, the council is considering compulsory purchase action in Girnhill. I know that he, on behalf of his constituents, is somewhat impatient at the pace of that development. However, he will recognise that it would be wrong of me to comment on the specific detail of the regeneration scheme, as it may prejudice any future quasi-legal decision by the Secretary of State.

In conclusion, I again pay tribute to my hon. Friend's work on behalf of his constituents in respect of regeneration, employment, training, jobs and housing. I am sorry that I am somewhat restricted in saying more about the prospects of impending compulsory action, but I am sure my hon. Friend understands that restriction. I am confident that with his strong local leadership and his ability to bring people together, a satisfactory resolution can be found soon to enable the Girnhill regeneration to proceed. I hope that I have reassured him that this Government are committed to supporting mining communities such as Featherstone and Girnhill in his area and elsewhere through change, including turning around housing market failings where they exist.

11.29 am

Sitting suspended.

Powers of Attorney

1.30 pm

Susan Kramer (Richmond Park) (LD): I appreciate the opportunity to have this debate, which I welcome, as do a number of my constituents. I also appreciate the Minister's attending.

Abuse of the elderly, which we might perhaps narrow to financial abuse of the elderly, is often considered to be a stranger danger. In the media, people tend to read about cowboy builders who take advantage of older people, rogue traders, phoney charities and various get-rich-quick schemes that attempt to draw older people in and sometimes—although perhaps it is not abuse to the same degree—even mis-selling by normally reputable financial institutions. However, a form of abuse that is far less discussed is abuse that happens nearer to home.

Family and friends are often the greatest risk to older people, sometimes out of weakness and sometimes from a lack of understanding or a lack of respect. Obviously, older people who are subject to dementia or any kind of mental frailty are among the most vulnerable. I suspect that the Minister will be familiar with statistics put together by Action on Elder Abuse and other groups, including Age Concern, for example, which essentially show that dementia affects one in 20 people over 65 and one in five of those over 80. Some 750,000 people with dementia live in England and Wales at the current time.

As we all live longer, the number of people suffering from dementia in the United Kingdom is expected to rise to an astonishing £1.8 million by 2050. Many of those people will have more resources. In the past, old age has tended to be associated with poverty, but with more households comprising two earners and with many people—certainly, those of our generation—benefiting from the rise in the value of their homes, elderly people often have substantial resources, much of which they have saved through programmes and plans with the intention that those should provide for them in their old age.

The Action on Elder Abuse research paper, "The cost of living: growing up is free, growing old is expensive", reports that most victims of financial abuse are women over 81 and that most perpetrators are sons and daughters of those people, aged 41 to 60. Given that information, hon. Members can sense how sensitive, complex and difficult this issue is. However, I want to focus on a yet narrower area of financial abuse of older people: the potential to abuse power of attorney and the difficulties in challenging the way in which those powers are used.

Some recent cases have been mentioned in the newspapers. Let me open with one, after which I shall talk about the experience of one of my constituents. *The Daily Telegraph* on 12 June, just a week or so ago, reported that a Mrs. Garbutt was murdered. I am not suggesting that most cases end that way, but the court heard, in the general description of what had happened in the family context, that Mrs. Garbutt's daughter

"had been granted power of attorney over Mrs. Garbutt's savings of approximately £100,000 and had withdrawn and transferred substantial sums".

The case that drew my attention to this subject was mentioned to me by a constituent of mine. Perhaps if I say a little bit about that case it will give some sense of its scope and dimension. I shall not use names because although some family members are willing to be identified not all are. I think that the relevant Department is well aware of the case. In this instance, the underlying issue is perhaps the most common one: an alleged conflict of interest where a relative who is the attorney under the old enduring power of attorney system and is in a position to make significant decisions about the life of an older person, particularly the way in which their money is spent, is also the executor and sole heir under the will. The case was brought to my attention by a stepdaughter of the elderly lady concerned: she was not a blood relative and not an heir and had no intention of making any claim on the estate, but had, because of ties of family, spent time visiting this older lady, caring for her and advocating for her welfare on her behalf to nursing homes and others.

As I suggested earlier, the victims of this kind of abuse often are not one's typical picture of the impoverished and vulnerable. This older lady had enjoyed a successful career in the world of finance and her estate in old age was considerable and indeed bolstered by a good pension and income from a trust. She was, in her active professional life, profiled in major national publications and was once quoted as saying, "I appreciate the things that money can buy." In other words, she lived life well when young and in her prime and she intended to live life well, having ensured, as her deceased husband had done, that the resources were available to her.

The lady was diagnosed as being in the early stages of Alzheimer's and although for a while she continued to live independently, it was evident to relatives that her dementia was taking a rapid toll, although her physical health remained excellent. Two years after the diagnosis, suddenly and to the surprise of most of her relatives, she signed an enduring power of attorney giving power to her closest blood relative, and within a matter of hours was removed to a care home. Shortly afterwards, she made further alterations to her will. The EPA was registered with the Office of the Public Guardian, but not for another two years. Therefore, there was a two-year period in which, in a sense, this lady is supposed to have been in full charge of her mental capacity. Yet, as far as I understand it, there are serious questions about whether that is true. Indeed, in that period she was moved between homes because the home that she had been placed in initially was unable to cope with the severity of her dementia.

Immediately, we have two questions. First, we need to find out whether this lady was capable of signing the EPA in the first place. Secondly, we have to try to account for the delay in registration, given her condition.

The lady was moved through a couple of nursing homes, but she finally ended up in a comfortable but expensive facility with a specialist dementia unit, where she did reasonably well. The family's general understanding was that she had found a suitable place in which to get the necessary care. That home was expensive, but was well within the capacity of her substantial estate.

The circumstances of the case are disputed by the different sides, because five years later the lady was abruptly removed, under instructions from the attorney, to a far less expensive facility, which at the time had no specialist dementia registration. It later acquired such registration, but from what I have read I doubt that it would have described itself as a care home that specialised in dealing with dementia. My constituent saw her

[Susan Kramer]

stepmother deteriorate quite rapidly: dramatic weight loss, a series of falls, loss of memory, and physical deterioration, including serious infections requiring hospitalisation. Within 18 months she was bed-bound and within two years she died.

One may dispute the issues of the case, but my constituent, who had absolutely no financial or other interest in the will or the way in which resources were disposed of, sought to find ways of challenging the care that her stepmother was receiving. She sought advice from the Court of Protection, but all the responses indicated that if she brought a successful challenge she would not be financially at risk, whereas if there were any question about the challenge or she was not successful, she would face severe legal costs. As she pointed out to me, to expect people who may not be the closest blood relative to put themselves at such a risk is unrealistic, so the opportunities for challenge are extremely limited.

My constituent was extremely persistent, and finally persuaded the Office of the Public Guardian to arrange for a Lord Chancellor's visitor to visit the lady, but the process was so extenuated, so long drawn out and so delayed that it occurred only about six weeks before she died.

The Minister will be aware of articles, for example in *The Daily Telegraph* on 31 May 2008, about the general logjam, but I do not know whether people understand that it extends to this aspect of the Office of the Public Guardian's work. It does not apply just to legal processing, and there seems to be an inherent delay in following up any monitoring and investigation. That is inexcusable when people are in the last years of their lives. My constituent has been informed by the Court of Protection and the OPG that following the death of her stepmother they have no jurisdiction to proceed with their inquiry. She has been told that the matter has effectively been closed by the death of her stepmother.

Many of the problems in this case are associated with enduring power of attorney, which I accept has been replaced by lasting power of attorney, but EPAs in existence prior to October 2007 are still in effect under the old arrangements. I am anxious for the Minister to provide some clarity on how legacy EPAs are being monitored. She will be aware that, according to the charity Action on Elder Abuse, when plans to change to lasting powers of attorney became clear, there was a rush to sign up EPAs ahead of the deadline. They were less costly and many solicitors, unfortunately, advised clients to sign under the old system, and relatives who may have been aware of the differences between the regimes may have encouraged the same. I understand that. The reason for changing the system—which runs counter to the notion of people rushing to sign up—was general concern about whether the person signing was capable of understanding the consequences and delays in registration. I understand that under that system there are no penalties for non-registration, so it is ineffectual.

I have asked the Department whether anyone has ever been deregistered for power of attorney. If they have, no one is aware of it because the information does not seem to be available to anyone, which is somewhat alarming. I should be interested to know whether there really is absolutely no knowledge of whether anyone has ever been deregistered. That would be extraordinary.

EPAs have been ripe for all kinds of abuse. The Minister will remember that the barrister, Tom Dumont, in an article in 2001 on "The Misuse of Enduring Powers of Attorney" estimated that about 15 per cent. of EPAs may be abused, or more than 100,000 at any one time. He pointed out that few financial institutions have any meaningful training on EPAs or the concerns about unregistered EPAs. The system exists in name, but not in practice.

I accept that lasting power of attorney is an improvement on the old EPA system because it provides a more rigorous certification and registration process. However, it is far from iron-clad, and we must recognise that in the past doctors and solicitors were hesitant to step into family relationships and to suggest that a power of attorney might be inappropriate or that the wrong person was being given power of attorney. Certificates of capacity are now required, but solicitors, doctors and friends are still hesitant to interfere in family relationships and are unlikely to challenge whether someone's mental capacity suggests that they are capable of even a lasting power of attorney. The safeguards have increased, but the underlying flaw that people are hesitant to challenge family relationships remains deeply embedded in the system.

We are aware that LPAs can have much greater scope than the old EPAs. In the situation that I described, it was clear that an EPA was being used to make decisions about welfare as well as finance. It is hard to unravel the two, but that is now formalised in the new lasting power of attorney because it can be made to extend to personal welfare.

Perhaps the Minister will tell us what monitoring should take place post-registration—the whole focus seems to be on the registration process rather than on registration followed by ongoing monitoring—and whether the new system will offer better opportunities for external challenge. I cannot see that that will be real while the threat of heavy legal costs remains.

On education, most people are not introduced to the notion of power of attorney until they are frail, which is probably the worst time to have to understand it. Surely, more effective mechanisms should be available to advise people, for example, that they may appoint more than one attorney, that they could include an independent non-beneficiary, and that they could set out preferences and guidance in a more substantial way. That issue does not seem to have been taken up with the legal profession or any other body.

As the Minister will be aware from yesterday's article in *The Daily Telegraph*, headed, "Whitehall blamed for elderly dying before financial affairs are sorted", the new lasting power of attorney mechanism has hit a logjam. I am sure that she will tell us about resources to relieve that logjam. Many others, like me, are concerned that the anxiety to get through the logjam does not lead to a quick dusting over of the registration process. That would defeat the whole point of having made the changes.

It is obviously necessary to ensure that there is an effective mechanism for power of attorney for people as they become older, but surely as the number of older people increases, particularly of those with substantial financial resources, we must look beyond registration

and put in place better monitoring and an education mechanism. Perhaps there should be greater and more stringent requirements on solicitors to set out the options as people start to consider whether they should enter a power of attorney, and how they could be framed. We must have a special programme in place to deal with the legacy of the old EPAs, which will continue to have an impact on the lives of so many people today.

1.48 pm

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I congratulate the hon. Member for Richmond Park (Susan Kramer) on securing this debate on an important and serious issue, and on getting under the wire so that we can have this discussion.

I intended to open my remarks with an outline of the importance of what we have put in place in the Mental Capacity Act 2005, but because of the time I hope that you will forgive me, Mr. Cummings, if I do not go into such detail. The hon. Lady has accepted that the 2005 Act and its attendant changes have been an improvement, and I shall refer to it only in passing, if necessary. If I do not cover anything that the hon. Lady has raised, I shall write to her in more detail.

The hon. Lady raised the possibility that vulnerable adults could be at risk from those with power of attorney over their affairs. The Mental Capacity Act 2005 was implemented last October and changed the way in which attorneys operate. She has also tabled a written question about the number of times the Court of Protection has suspended an individual's power of attorney, and she made reference to that in her remarks. I said then that it might be possible to produce further data and that I would write to her with the results of that exercise. At the time, we did not have the information available. I can tell her that although that information has been difficult to collate, I am pleased to say that we now have some information on the number of objections to the registration of powers and the outcomes of those cases.

From 1 April 2004 to 30 September 2007—before the 2005 Act was implemented—there were just over 1,500 objections to the registration of an EPA, of which 621, or 40 per cent., were not registered. In the first six months of operation from October 2007, the new Court of Protection received 425 objections to registration of a power of attorney. Many of those cases are not yet completed, but the court has currently suspended one power, cancelled or revoked the power in 17 cases and has directed the Office of the Public Guardian not to register three others. I will write to the hon. Lady with further results of that analysis. To some extent, that answers some of her questions. At least under the new system, the powers are being looked at more vigorously and with far greater scrutiny, and action is being taken either directly by the Court of Protection or by the Office of the Public Guardian.

Let me return now to the broader theme. The 2005 Act provides a clear, statutory framework to empower and protect people who lack the capacity to make decisions for themselves. However, it requires steps to be taken to allow the person to make those decisions or to have the fullest input into any decision that is made. When a decision is made on their behalf, it is necessary that it is in their best interests and restricts their rights and freedoms as little as possible.

The 2005 Act created a new Court of Protection with an expanded jurisdiction that covers health and welfare matters in addition to financial decisions. The court can appoint a deputy to manage a person's affairs. In addition, the Act also created a statutory public guardian responsible for maintaining registers of powers of attorney and supervising deputies appointed by the court. The Office of the Public Guardian also has powers to investigate allegations of abuse made against attorneys or deputies.

The 2005 Act also changed how powers of attorney operate to provide greater flexibility in the way in which they can be used and to increase the protections surrounding them. The Lord Chancellor issued a code of practice under the Act so that certain groups of people, such as attorneys, are under a legal obligation to have regard to the code when making decisions. An attorney's failure to comply with the code can be used as evidence in any proceedings that may be brought before a court or tribunal.

There is also a new criminal offence of abuse or neglect of a person who lacks capacity. That covers those caring for such a person, or those appointed as their attorney or deputy. The offence carries a maximum sentence of five years' imprisonment, or a fine, or both so that it is not seen by the courts as a relatively small offence; it is seen as a relatively serious offence, and rightly so.

The case that the hon. Lady highlighted—I am aware of it but we will not go into any details—was made under the old system of the enduring power of attorney. It gave a person the authority to manage someone else's property and financial affairs. As the hon. Lady said, under that system, EPAs could be used, quite legally, to manage a person's affairs while that person still had capacity without any need for the power to be registered. They were required to register only once the donor had lost the capacity to manage their affairs.

Clearly, the difficulty with that system was that it allowed unscrupulous attorneys to use an unregistered EPA to access a person's finances or manage their property, and to do that without anyone's knowledge. As a consequence, it was also very difficult to estimate the total number of EPAs in existence and, worse than that, how many of them were being used fraudulently. We are very conscious of that issue, both in the Department and in the Office of the Public Guardian. We cannot give the hon. Lady a figure on the number of unregistered EPAs. She referred to the scramble by solicitors to encourage people to use EPAs before October. Those solicitors should have looked more closed at the Mental Capacity Act and realised the benefits of a lasting power of attorney. I know that it costs more, but it gives people far more control over their own affairs and far more control to the Office of the Public Guardian over the way in which people behave. Almost 40,000 EPAs have been registered in the past couple of years. We have to assume that the number of unregistered EPAs is significantly higher than that.

It is extremely difficult to make any accurate assumptions on the possible levels of abuse of the old system. However, the previous Master of the Court of Protection, now a senior judge of the new court, felt that as many as 5 to 10 per cent. of registered EPAs were possibly being used fraudulently. That included relatively low-level abuses, such as inflated claims for travel expenses.

[Bridget Prentice]

Nevertheless, that is not an insignificant number. More worrying, however, is the level of abuse of unregistered EPAs.

It was against that background that the 2005 Act reformed the system to provide greater protection. That means that before a person can have their lasting power of attorney registered, they have to comply with safeguards connected with that registration before the attorney can use them. The Office of the Public Guardian will be able to build up a much greater knowledge of the number of valid powers in circulation. Also, a person will be asked by the public guardian to name up to five people whom they wish to be notified when they make an application for an LPA to be registered. There will then be a statutory six-week waiting period during which objections to registration can be made. Only after that will the Office of the Public Guardian register the power.

Finally, when making an LPA, an independent person must provide a certificate confirming that the person making the LPA has the capacity to make it and is not subject to undue pressure. An additional certificate must be provided if the donor has not named anyone to be notified upon registration of the power. I hope that that answers one of the hon. Lady's later questions about what is in place now to monitor and scrutinise what happens.

In the very brief time that I have left, I will describe what happens when there are concerns about the behaviour of the attorney. It will be for the Office of the Public Guardian to investigate in the first instance. Since last October, there has been a dedicated compliance and regulation team responsible for considering all the allegations brought to the attention of the Office of the Public Guardian. As a result of those, the office may approach the police, or any other relevant agencies, if it considers it appropriate. When there are serious concerns about personal welfare by attorneys or deputies, the office will always liaise with the relevant agencies. It is in the process of agreeing a protocol to outline the circumstances in which it will seek to involve those agencies.

While it is not appropriate for me to comment on the individual case that the hon. Lady mentioned—the way in which that case was dealt with is deeply unfortunate—I hope that I have given in general terms some of the ways in which the new system will benefit people in the future.

It being Two o'clock, the sitting was adjourned without Question put.

Westminster Hall

Wednesday 18 June 2008

[MR. CHRISTOPHER CHOPE *in the Chair*]

Parliamentary Representation (England)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mark Tami.]*

9.30 am

Derek Wyatt (Sittingbourne and Sheppey) (Lab): It is a pleasure to see you in the Chair this morning, Mr. Chope. It is four years since the Standing Committee on Regional Affairs, the body that is supposed to represent English MPs, has met. We do not have a Grand Committee like the Welsh, Northern Irish or Scottish. The English do not have Secretaries of State, Assemblies or Parliaments. The English have something that has rarely met since 1997: the Standing Committee on Regional Affairs. That is the best that we can do for the largest proportion of voters and the largest number of constituency MPs. That is not appropriate.

Today, I shall make some radical proposals for the long-term reform of the British constitution and public finances. They will set me at odds with the policy of my Government and party, but I am convinced that standing still is not an option. The present arrangements are producing growing resentment all over the United Kingdom, particularly in England. I hope that my party will not trap itself by defending the status quo for ever, as that would put the future of the United Kingdom at risk.

This debate has a simple theme. My constituents are living in a half-finished house that costs them money, and they are beginning to resent it. The half-finished house in our country—the United Kingdom—has, like so many historic houses, grown up over the centuries without a master plan and according to the needs or whims of successive owners. Nearly 90 years ago, after a long and bitter dispute, we gave the neighbouring property to its sitting tenants—although some preferred to go on living with us. We spent the next 70 years or so trying to improve our house to make it a better place in which to live and trying to protect it from outside attack. We made no changes to the structure of the house and all the rooms and facilities were shared among all the residents.

However, in the past 10 years, there has been some major remodelling of the property. We converted the upstairs into a separate flat for the Scots and created another flat with inferior facilities in the west wing for the Welsh. We then persuaded the Northern Irish to live in another flat in the orangery—although many of them wanted to live with their neighbours next door. All that remodelling failed to create any special space for the English. They went on living in the property, but the Scots, the Welsh and the Northern Irish were still free to walk in and help themselves to the fridge and the drinks cabinet. They could even make rules for the English that they themselves did not have to follow. Meanwhile, the English went on paying most of the household bills.

More and more of the English, including many of my constituents, are finding that an uncomfortable way to live. They put up with it when there was plenty of money coming into the house, but now that money is scarcer and outgoings are rising, they are beginning to question it. I propose some restructuring of the property, so that we can all live in the way that we want to without imposing on one another. I am also calling for a fair and transparent system of meeting the household bills. That will entail replacing the Barnett formula, which, as we know, was intended to be a temporary expedient that would last six months. However, the formula still regulates the financial relationships between the separate devolved entities of the United Kingdom. Our household settles its accounts through arrangements that were set up in the 1970s for reasons that no one can remember and with results that no one can understand.

Our present constitutional settlement creates anomalies and inequalities. The people of Scotland, Wales and Northern Ireland have acquired distinct powers over key public services and other matters that are denied to the English. Scottish, Welsh and Northern Irish MPs can vote for policies that apply only to the English and that they have never sought for their own constituents. Despite the recent reduction in the number of Scottish MPs, there are distinct disparities in the value of votes in general elections between different parts of the United Kingdom. The Library note on this debate points out that a Scottish elector's vote is worth 8 per cent. more than an English one, a Northern Irish vote is worth 13 per cent. more and a Welsh vote is worth 21 per cent. more. Where is the equity in that system?

The people of Scotland, Wales and Northern Ireland have used their new powers, particularly in health and education, to make their experience and entitlements notably different from those of the English. Those are funded by a complex and opaque system of financial transfers. To the English at least, it appears that the other parts of the United Kingdom are being shielded from the full financial consequences of their decisions, for example in relation to free personal care for the elderly. In the measured words of Professor James Mitchell of Strathclyde university:

> "the current situation in which the Scottish Parliament provides more generous public policies than elsewhere without having to pay the additional cost is leading to a problem of legitimacy in England."

Before going further, I would like to thank Dominic Webb of the Library's economic policy and statistics section for two papers of great clarity on the murky subject of the Barnett formula. I have also drawn on the work of David Heald of the university of Sheffield and Alasdair McLeod of the university of Aberdeen.

The financial relationships between the nations of the United Kingdom were created haphazardly and with the minimum of public debate. Money is transferred directly in outright grants to the devolved Administrations. Those grants are strongly influenced by the Barnett formula, which automatically allocates increases in public expenditure to Scotland, Wales and Northern Ireland on the basis of their population. Money is also transferred indirectly by the operation of the UK-wide tax and social security system and through public spending on UK-wide public services, such as defence and diplomacy. Official statistics give us some information about the first of those indirect transfers, but not the second.

[Derek Wyatt]

Finally, money is removed from the United Kingdom by the European Union and partially returned to each of its different regions.

Turning to the Barnett formula, it is universally agreed that no one expected it to last this long—certainly not its author Joel Barnett who is in another place. He did not even know that it had been named after him and it was not mentioned in his memoirs. We have only debated the Barnett formula twice since 1997—once when I initiated a debate in 2001 and once recently. I welcome the commitment of my right hon. Friend the Chancellor to publish a paper on the Barnett formula in the near future, as a contribution to the Calman commission on Scottish devolution. However, as an English Member, I am concerned about the commission's terms of reference. For a start, it is a Scotland-only review and it will not look at the impact of financial transfers to Wales or Northern Ireland, still less at their impact on England. More importantly, the review aims to come up with recommendations

"that would enable the Scottish Parliament to serve the people of Scotland better, that would improve the financial accountability of the Scottish Parliament and that would continue to secure the position of Scotland within the United Kingdom".

The review will be paid for largely by English taxpayers. It is hard to reconcile all those aims.

As many authorities have pointed out, the Barnett formula does not determine the overall size of the grants to Scotland, Wales or Northern Ireland; it is a mechanism for increasing those grants automatically. The formula therefore perpetuates favourable settlements that were made years ago. However, that was not its intention; quite the opposite. It was meant to produce convergence in public expenditure per capita in each part of the United Kingdom. That has simply not happened. There is a persistent and widening gap between different countries and regions within the United Kingdom in identifiable per capita public spending. Identifiable public expenditure means that which is directed at a specific country or region, or that which has generated a payment or benefit to its inhabitants. That therefore excludes the UK-wide items that I mentioned earlier. However, it does cover 83 per cent. of all public expenditure.

Let me unfold some of the figures. In 2007-08, identifiable per capita public expenditure for the UK was £7,790 per person. That works out at £7,535 for the English, £8,577 for the Welsh, £9,179 for the Scottish, and £9,789 for the Northern Irish. Out of all the English regions, the south-east does worst. Each of my constituents receives only £6,512 in identifiable public expenditure. My constituency has the fifth and sixth poorest wards in England. I should like an explanation of how it is that we pay the most tax and it is shifted around the regions but not spent in my constituency. That is undemocratic and unfair. To rub salt in the wound, the south-east region is also one of the most heavily taxed.

Other hon. Members can dispute the calculations—although they come from the Library—but they explain why my constituents are becoming tired of living in a half-finished house. The time has come to finish the building and complete the billing arrangements for all the people who live there. All the peoples of the United Kingdom should have the same power to shape the laws and services that shape their lives, but they should also have the same responsibility for paying for them.

That is why I propose a new kind of Parliament. I accept that the journey will be tortuous and argumentative. Therefore, it cannot be done overnight. I propose a 10-year constitutional convention, at the end of which, I would hope, we would agree to four separate lower Parliaments representing England, Wales, Northern Ireland and Scotland. Each would have the same powers. The budgets of the four lower chambers would be settled by those Parliaments. There would not be an income tax for the United Kingdom. There would be an income tax locally; the lower Parliaments would be free to raise income in whatever way they wished to do so, for example by a sales tax.

Why do I say that? I do not have the figures, but since 1945 the Governments of this country, irrespective of party, have spent billions and billions of pounds trying to create wealth in this country. However, in the last year, the only three regions of Britain that are a plus on the Exchequer are the east of England, London and the south-east of England, so even though we have handled massive subsidies relating to the public sector and private sector investment from overseas, we have yet to find the entrepreneurial spirit in many of the regions and nations of this country. We can go on thinking that we can do that, but I remind hon. Members that in China, as one example, the growth rate in the economy this year is 10.6 per cent. That is 10.6 per cent. of what will be the largest economy in the world in 2020. If we care about what is happening in China, India, Russia and Brazil, we have to frame our constitution and the funding of that constitution with a modern way of looking at what is coming over the mountains, especially from India and China.

I am British and proud to be British; I sign into hotel rooms as British. I want to retain the United Kingdom, so the solution for me constitutionally is to place over the four lower chambers an overarching Parliament, whether it is called a senate or a house of representatives, that will bind in the four countries of the United Kingdom. I would abolish the House of Lords. How each chamber voted and what it did would be a matter for the lower houses, but the upper house might deal with issues such as the environment and foreign policy. It would be for the constitutional convention to resolve that.

It would be a long and contentious process to agree the powers and responsibilities. That is why I propose a consensus-building mechanism in the form of the convention, with representatives of all the parties and each nation and region of the United Kingdom. Its deliberations would be in public and published and would be open to online participation by voters.

During its 10-year life, the convention would also take the opportunity to define a relationship between all the chambers and the European Parliament. There is a major problem with the MEPs and the 27 countries. Only in Finland are the MEPs charged with coming back to talk in the Chamber in Helsinki. I think that that is a very good idea. I would like to see MEPs not charging down to Strasbourg every fourth week, but being told to come to their national Parliaments to give an account of what they are doing, so that what happens in Europe matters to us in the national Parliament. There is a grave error in the constitutional way in which Europe works currently.

I would expect the convention, at the end of the 10 years, to come up with a set of proposals for each of the chambers. How they vote and so on is a matter for them. All those proposals should be put to the peoples of the United Kingdom in a referendum. I hope and believe that, at the end of the 10 years, the convention would make our government and finances clear, more 21st century than 19th, with a separation of powers and responsibilities, and revenues understood and endorsed by our citizens in an open and transparent process. In each chamber, every representative and every voter would have equal power. In the UK as a whole, all taxpayers would know where their money was. There would be no hidden transfers, and all taxpayers would have control over the spending of their taxes.

It has been argued that a federal system cannot work in the United Kingdom because England is so dominant in terms of population and economic strength. I disagree with that argument. Whatever system we have, the English will always be bigger—look at the size of the country, the population and the economy. However, we can have a clear separation of powers to allow each nation to create a sphere of influence of its own, escaping the dominance of the English nation at the price of relinquishing any subvention from the English nation. I believe that only a separation of powers will allow the survival of British politics and parties on non-national lines. The real danger is in keeping the status quo.

Of course I accept that my proposals are contentious, but we simply cannot carry on as we are. The present constitutional and financial relationships cannot endure. They are arbitrary and opaque, and allow everyone in the United Kingdom to believe that the system is unfair to them. The resulting mutual resentments will lead, I believe, to the break-up of the country in confusion and acrimony. Unless we introduce a constitutional convention, that will happen.

9.46 am

Mr. Andrew Turner (Isle of Wight) (Con): It was interesting to listen to the introduction by the hon. Member for Sittingbourne and Sheppey (Derek Wyatt). He raised some important points that I did not intend to cover, and which I still do not intend to cover because he covered them so well. I am not as certain as he is about the Barnett formula, but I welcome anyone trying to tackle the issue and he is certainly doing that. Perhaps the English would not be worried about paying a little more, as long as they were left to deal with their own money. It is the fact that we both pay money to other countries and spend that money that worries people, particularly in England. However, I will deal now with the issues that I consider most important.

Residents of the Isle of Wight are of a particularly independent frame of mind, but they are certainly not alone in being concerned about the unfairness of the present constitutional framework. Years ago, the West Lothian question was pondered by many, with little hope of the circle ever being squared. Since then, we have seen the installation of a Scottish Parliament, ending the debate about whether Scottish-orientated legislation should be made at Westminster. Now, with the Scottish Parliament established, Stormont set up and Wales coveting complete devolution, where does England fit in? What about the West Wight question?

Retaining a Parliament for United Kingdom-wide legislation is essential. There needs to be one centre of law making for the United Kingdom. We are still, undoubtedly, a united kingdom bound together by centuries of common history, language and culture. That is reflected in how certain matters are administered, and our common heritage should not be forgotten. The devolved Administrations have proved popular. With that in mind, why should we not have a separate institution to deal with English-only matters?

Unlike some, I am not in the business of squabbling over which legislature should have the most power. I merely propose the notion that it may be time to mirror our neighbours' constitutional arrangements for the benefit of England and for the continued existence of the United Kingdom. The belief is now widespread throughout England that the arrangements should be balanced more fairly. The votes of Scottish Members can be marshalled to overturn the views of English Members of this House, as they were on university top-up fees, when Scottish constituents will not be affected. However, Scottish MPs are not properly answerable to their electors on English matters. I believe, along with many others, that it is time to address that fundamental question.

Mr. Philip Hollobone (Kettering) (Con): I am grateful to my hon. Friend for giving way. Is not the problem worse than he describes? A Scottish Westminster MP can vote in this place on hospital provision for my hon. Friend's constituents on the Isle of Wight, but not on hospital provision in his or her constituency in Scotland, because it is a devolved matter for the Scottish Parliament. Scottish Westminster MPs can interfere in English affairs, but are not able to interfere in many matters in their own constituencies.

Mr. Turner: My hon. Friend is absolutely correct. What is wrong is not that the Scottish here are unable to vote on Scottish matters, but that the Scottish here are voting on what is happening on the Isle of Wight and on other English matters.

The wheels of political evolution will not stop turning. Public concern is increasing and the question of an English Parliament continues to climb further up the agenda. What are we going to do when it reaches the top?

9.52 am

David Howarth (Cambridge) (LD): It is a great pleasure to serve under your chairmanship, Mr. Chope.

I congratulate the hon. Member for Sittingbourne and Sheppey (Derek Wyatt) not only on obtaining this debate but on his thoughtful and considered contribution. I agree with his central point, that we are dealing with a half-built house—a constitutional settlement that is unfinished. Devolution for Scotland was a political necessity, as it was for Wales, but the structure of the constitution left after devolution was not thought through. That is why I entirely agree with what I take to be the hon. Gentleman's central proposal, which is that a constitutional convention should take place over an extended period to produce a new constitutional settlement that is fairer and clearer for all the people of the United Kingdom.

[David Howarth]

I agree with what the hon. Gentleman said about MEPs and their place in our political life. Their separation from us is one reason for the apparent lack of democracy and democratic legitimacy faced by the European Union. However, although I am not sure how the constitutional convention would end, I am pretty sure that the hon. Gentleman's proposal would be a major runner in the process. I also agree with him that the Barnett formula needs to be reviewed.

There is some public feeling about the West Lothian—or West Wight—question. There is a constitutional anomaly, as the hon. Member for Kettering (Mr. Hollobone) said. However, I do not believe that it bothers people much, as evidence from public opinion polls shows. There is an old saying in Hollywood: if someone says to you, "It's not the money, it's the principle," then it is the money. That is the point that needs to be grasped.

It is true that if the Barnett formula were to be properly reviewed, if we rethought its needs basis and considered again precisely where the money should go, it would not necessarily have the dramatic effect that those who call for a review sometimes seem to hope for. In any case, the figures on which the arguments are based are not entirely straightforward. The hon. Member for Sittingbourne and Sheppey said that the figures usually cited are based on about 80 per cent. of public expenditure and do not include such things as defence. That is based on the theory that defence, as a service, is for the entire national community. However, that is not quite true when it comes to expenditure, because defence expenditure is rather more specific in particular areas than is the service.

If one considers expenditure by region, it can be seen that London does rather well, even without defence. It comes well up the table on expenditure per head, higher even than Wales. That makes me wonder whether there is a relationship between demand for devolution and how much money can be got from the Government. Many, many years ago, I wrote my first academic article: I studied regional expenditure and policy in the 1970s, and the only useful conclusion that I could draw was that the best predictor of regional expenditure was votes for third parties in the 1974 election. I wonder whether the political structure has now changed slightly, such that, to the extent that there is a demand for regional devolution, one can get money out of central Government. The south-east and the eastern area of the country is my area, and I am a Liberal Democrat in favour of regional devolution, but to be frank there is little demand for it there. Those are the areas that get the least money.

Underlying the comments of the hon. Members for Isle of Wight (Mr. Turner) and for Kettering—this is slightly less true of the comments of the hon. Member for Sittingbourne and Sheppey—about where we should go from here and what constitutional arrangements should be put in place is some confusion about the idea of representation. If English MPs were to join together to defend the interests of England as England, there would not be a problem. There are so many of us that we could abuse our position to do whatever we wanted. The problem is not representation in the sense of protecting the interests of our constituents—we are in a strong position to do that as English MPs. The problem is set to arise if Government proposals for specific measures may get through only with the votes of non-English MPs, despite the fact that the measures affect only England. That is a different sort of representation. That is political representation—the representation of political views.

There are several problems with the idea of representation put forward by those who argue for English votes for English laws. The first is that it does not apply all the way down. When Parliament was dealing with the Greater London Authority Act 1999, we did not have votes for London MPs only. When we discuss the Bournemouth Bill, we do not restrict debate to MPs from Bournemouth.

Secondly, from a Liberal Democrat point of view, the most important point is that MPs elected for English constituents are not representative of English political opinion. That is because the electoral system—the first-past-the-post system—is not representative of political opinion in that way. It is difficult for opponents of proportional representation to argue in the way they often do for English votes and laws. Those of us who support PR have less need to worry about the anomaly in the first place. Why? The main argument against PR is that it leads to minority Government, and it is true that that outcome is more frequent than coalitions. However, it is interesting that all the proposals except that made by the hon. Member for Sittingbourne and Sheppey imply that we could have a UK Government with a majority at UK level, but a minority in England.

Those who propose such an arrangement think that that is all right. In fact, the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), who has been arguing for what might be called the "English Committee Stage" solution, said in *The Scotsman* on 23 April this year—an interesting date—that, under his proposal:

> "On entirely English business, the government may not get its way. Some people say the government wouldn't be able to function. That is absolute rubbish. Alex Salmond doesn't have a majority in the Scottish Parliament, but nobody says Scotland is ungovernable."

It is interesting that those who propose such interim solutions to the problem of English representation do so in a way that undermines their simultaneous objection to proportional representation. They cannot have it both ways.

The main argument for the first-past-the-post system is that it exists to elect a Government, not to represent political opinion. That is the clearest argument for the present system. However, if we apply first past the post to the problem of English representation, we must conclude that there must be a separate Government for England, and not simply a separate representative body. Will people find that acceptable? There are some problems with such a solution.

That is also the conclusion if we think about maintaining one United Kingdom Government who also ru ; England. It is perfectly possible, especially under the present arrangements, for a Government to have a majority in the UK, but a minority in England, as I said. However, something far more radically challenging is also perfectly possible: namely, a situation in which a UK Government are formed from a party that is in a minority in England, when another party have a majority in England. That would be an extraordinary situation. Such a Government would face defeat on everything all the time. In fact, the Opposition's position would also be quite extraordinary,

because they would have a majority in the legislature for their part of the Kingdom, but no ministerial office or responsibility.

Solutions to the problem that do not include a separate English Government face extraordinary problems of coherence. However, if we look at public opinion and the demands for some sort of solution to the West Lothian question, we see little support for a separate Government, because, as is well known, people are not in favour of creating extra layers of paid politicians. That was one of the main reasons why the referendum on regional devolution in the north-east went the way it did—the idea went down. People do not like the idea of those extra layers.

Mr. Andrew Turner: The hon. Gentleman seems to be saying that we must have the same size of Government at UK and England level, but surely England and say, the Conservatives, would deal with two thirds of the matters—perhaps not the most important matters—and the other party would deal with a few important matters, such as defence and the national Exchequer. One lot would be doing something at English level, and some other lot would do other things at UK level.

David Howarth: Those would be two separate Governments. The UK Government would be made up by one party, and a separate English Government by a different party. That would be a proper federal system like Germany's, where Governments at federal level can have different political complexions from those of the Länder.

The question is whether the coherent cure that the hon. Member for Sittingbourne and Sheppey proposed is worth the disease. At the moment, the proposal seems to be like taking a sledgehammer to crack a nut, even if it is a coherent sledgehammer. The problem is not as great for those of us who support proportional representation, because PR would be far less likely to produce conflicting political results in the first place. First past the post exaggerates political differences and produces exaggerated results in different parts of the country, whereas PR would reduce them. Although contradictory results are not impossible under PR, they are far less likely.

The first priority is proportional representation. The problem we are discussing today is, it seems, a third-term problem. That is helpfully in line with the timetable that the hon. Gentleman proposed for his constitutional convention. I am therefore fully prepared to wait.

10.6 am

Mrs. Eleanor Laing (Epping Forest) (Con): It is always interesting to hear the Liberal Democrats' arguments for proportional representation. We will never be convinced by them, but we understand exactly why it is always their first priority. If we turn the clock back, we will find that the Liberal party did not stand for PR 100 years ago. Then, they wanted to be in government, but they now know that they will not be in government. They were not in government for most of the last century and they will not be in this century, so we forgive them for always making proportional representation their top priority.

I heartily congratulate the hon. Member for Sittingbourne and Sheppey (Derek Wyatt) on introducing this debate. It is a welcome opportunity to discuss an extremely important matter—I am only sorry that more Members of Parliament do not make it a high priority. I am nevertheless pleased to see that six of us are in the Chamber; what we lose in quantity we make up for, as ever, in quality. The issue must be discussed. I believe that that ought to happen in Government time, but as that has not happened, the hon. Gentleman is to be congratulated on opening the matter up. I am pleased to see the Minister—by my calculations looking at the clock, he will have plenty of time to answer all the matters that have been raised this morning. I will raise only a few more for him.

The hon. Member for Sittingbourne and Sheppey was right that this is unfinished business, as it has been for a long time. The issue became known as the West Lothian question, rightly, because the then Member for West Lothian, Mr. Tam Dalyell, brought the subject up again and again in the 1970s, 1980s and 1990s, when devolution for Scotland was discussed repeatedly in the House of Commons, and finally was put to more than one referendum in Scotland. Mr. Tam Dalyell was right to ask the question and to highlight the anomaly, and no Government have come up with an answer to the West Lothian question. The current Government want to sweep the whole matter under the carpet and have, indeed, successfully done so for 11 years. They have simply refused to address the problem, although I am sure that they would not answer it even if they did. That is simply not fair.

Mr. Andrew Turner: Does my hon. Friend agree that pushing the issue under the carpet for 11 years has made the situation far worse, particularly in some constituencies in England?

Mrs. Laing: Yes. My hon. Friend is correct, and I was about to make precisely that point. The constitution of the United Kingdom is imperfect, and there is an imbalance on this issue, as there is on many others. We do not pretend that our constitution is perfect; what matters, however, is not that it should be a perfect work of academic excellence—we are not looking for a first in constitutional law from Cambridge—but that it should work for the United Kingdom and make the Union work. My top priority is the Union of all the parts of our United Kingdom, and that is what Conservative Members want to see preserved and improved in anything that is done on this issue.

As my hon. Friend rightly said, however, the situation has got worse over the past 11 years, and that is because of the perceived unfairness. Now, I would argue that the unfairness in the constitution and the Barnett formula is not as bad as some people make it out to be; indeed, with all respect to the hon. Member for Sittingbourne and Sheppey, who argued his case very well, it is not as bad as he calculates it to be. However, we do not know how bad it is, because the Government have not properly considered the matter. As my hon. Friend the Member for Isle of Wight (Mr. Turner) rightly said, therefore, the perception of unfairness has grown. The perception that some parts of the United Kingdom are not getting as good a deal as others has grown, and resentment has grown, too. I would argue that there is no need for that resentment, but it is essential that it is addressed. As the hon. Member for Sittingbourne and Sheppey correctly said, it cannot be fair that people who are elected to

[Mrs. Laing]

represent Scottish constituencies are making rules for the English that they themselves do not have to follow. That is the worst of the perceived unfairnesses, but the Government have refused to address it.

The hon. Gentleman rightly, and most interestingly, analysed the weight of the vote in different parts of the United Kingdom. However, when we elect a Government—to take up the point made by the hon. Member for Cambridge (David Howarth)—we are not trying exactly to represent different people in different parts of the United Kingdom, or indeed in different constituencies; we are generally electing a Government. That takes me back to the idea of the perfection of the constitution. We would have an unworkable Government if we tried to have perfect representation and to ensure that Parliament exactly reflected the proportional make-up of the people of the United Kingdom in economic, ethnic or any other terms that we might care to mention. That simply would not work.

What matters is that we construct a system that works, that is perceived as fair and that gives people in all parts of the United Kingdom the feeling that they are being fairly governed. Indeed, one of the principle rules of constitutional development is that arrangements should not only be fair, but be seen to be fair. That, of course, is why there is now a problem with the Barnett formula, and I am pleased that the hon. Member for Sittingbourne and Sheppey has given us the opportunity to raise the issue.

Again, the Barnett formula is not as unfair as it is sometimes made out to be. After all, Scotland is not all the same; there are enormous disparities between the industrial belt in central Scotland, the borders and the agricultural areas in the north, just as there are enormous differences in the region called the south-east of England. The hon. Gentleman rightly said that his constituency contains areas that are calculated as deprived, but which, because they are in the south-east, do not necessarily get the financial subsidy that he might hope for. The same is true in my constituency, where some areas are very much in need of greater social, economic and other input, but do not get it because the wider area is not perceived to be in need. Likewise, Scotland is not one homogenous area. The Barnett formula must therefore be calculated in a way that takes all parts of Scotland into consideration. It might be said that Glasgow, for example, equates to the centre of Birmingham, Manchester or Newcastle, but that does not mean that the whole of Scotland equates to the whole of England.

My point is that this is not a simple matter and that it cannot be distilled into simplistic terms. Indeed, I heard Lord Barnett eloquently give evidence to the Select Committee on Justice a few weeks ago. He said—I am not quoting him, but trying to reflect his comments exactly, and I am sure that hon. Members will check what he said in due course—that he had intended to put together a fair funding formula that operated on a needs basis for the different parts of the United Kingdom, and particularly Scotland. He said that it had never worked on a needs basis, however, and that he would like to see it do so. There are ways in which the Barnett formula could be improved without rocking the boat of constitutional reform. Its perceived unfairness is greater than its actual unfairness, although that does not mean that the issue does not have to be addressed—of course it does. My hon. Friend the Member for Isle of Wight was absolutely correct in all that he said in that regard.

I take issue with the main premise of the hon. Member for Sittingbourne and Sheppey. We do not need another Parliament—we have too much government already. As the hon. Member for Cambridge rightly said, and as was decisively evidenced in the referendum in the north-east of England a few years ago, the people do not want more government, more Parliaments or more politicians; they want taxpayers' money to be spent on supporting the people, not Parliaments and politicians—we have quite enough politicians at various levels already. I therefore take issue with the hon. Gentleman's assertion that the answer is a federal system. Why would we want a federal system? Would it be so that it would fit in with the idea of a European superstate or so that the United Kingdom could be divided into bite-sized chunks, ready to be gobbled up by a federal Europe?

Derek Wyatt: The idea of the EU gobbling up England is as far-fetched as I have heard for a while. However, I did not have Europe in mind, but the English. As a result of the discussions in the House over the past 12 years, the English have not been given a fair constitutional settlement.

Mrs. Laing: I am glad that the hon. Gentleman has made it clear what he thinks about Europe. I do not believe that the United Kingdom can be gobbled up by Europe or anyone else, but if it is split up into bite-sized chunks, it could be prepared to become part of a federal Europe. That is the last thing that I, or any Conservative Member, would want to see.

David Howarth: A more commonly held view is the one proposed by Professor Vernon Bogdanor at Oxford. He says that the centralisation of power in Europe has the opposite effect within member states. It tends to make those member states less decentralised, and more centralised. What the hon. Lady is saying is the opposite of what appears to be going on.

Mrs. Laing: It is all about perception, is it not? The hon. Gentleman possibly perceives things from a rather different angle from me, but that is what democracy is all about, is it not? In his consideration of the European angle, the hon. Member for Sittingbourne and Sheppey brought forward a most interesting proposition, which is that Members of the European Parliament should, in some way, be held accountable by their member states. That is an issue that is worth exploring, and I hope that all sides of the House will consider that possibility.

The real problem is the West Lothian question. The fact is that Members of Parliament who are elected to represent constituencies in England should have a decisive say in matters that affect only England. That is the simplest way in which I can put it. There are various ways in which we can make that happen. One of them is the hon. Gentleman's idea of a federal system, which I personally reject. My right hon. and learned Friends the Members for Kensington and Chelsea (Sir Malcolm Rifkind) and for Devizes (Mr. Ancram) have both, in recent months, proposed very elegant solutions along

the lines of an English Grand Committee or a ruling by the Speaker on matters that affect only England. Those ideas should be examined in greater detail and considered for a future Parliament.

Likewise, I expect that my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), who, along with his commission on the constitution, has been examining the matter in detail for some time, may well propose another similar solution. Such a solution may suggest that giving English Members of Parliament—Members of Parliament who sit for English seats—a decisive say in matters that affect only England can be properly addressed without creating further tiers of government or more bureaucracy than we need and without costing the taxpayer enormous amounts in constitutional reform, but in a way in which the Union is preserved and enhanced. I understand why the Government are so reluctant to discuss this matter and to come forward with their own proposals.

Mr. Andrew Turner: Before my hon. Friend moves on, does she not agree that English Members should be in the House one extra day—or perhaps Scottish, Irish and Welsh Members could be in the House one day fewer—so that we can discuss English matters?

Mrs. Laing: As usual, my hon. Friend has proposed a good and logical solution. It is similar to the possible solutions proposed by my right hon. and learned Friends the Members for Kensington and Chelsea and for Devizes. Although I cannot anticipate what my right hon. and learned Friend the Member for Rushcliffe will propose, it could be along those lines as well. There are ways in which this matter could partially be put right. We will not have a perfectly balanced constitution, but we could have one that is perceived to be much fairer than it is at present. It is that perceived unfairness that I want to put right—and I want it to be seen to be put right—because the growing resentment within some political movements in England will give rise to English nationalism, which will be just as bad as Scottish nationalism, or any other kind of nationalism, which seeks to divide one set of people from another at a time in our history—and that of the world—when we should be coming together and not looking for divisions. I do not want to see nationalism that draws lines, but a Union that brings people together.

However, I understand why the Government do not wish to discuss the matter. It is because of the 59 seats that come from Scotland—or the 59 Members of this House who are returned from Scotland. At present, 40 of them represent the Labour party, which is a low figure compared with the past 50 or 60 years. It is usually a higher proportion. Therefore, the current Government are terrified of losing 40 votes in matters that they want to push through this House. Naturally enough, they do not want to address the issue, especially as two of those 40 Members are the Prime Minister and the Chancellor of the Exchequer. I put it to the Minister and the House that if we do not correct the perceived unfairness, then we will allow resentment to grow. That resentment is not good for the constitution or for government. Government should be fair, and I will be interested to hear what the Minister has to say about how this Government propose to correct the perceived unfairness.

10.27 am

The Minister of State, Ministry of Justice (Mr. Michael Wills): It is a pleasure to be here under your distinguished chairmanship, Mr. Chope. I am grateful to everyone for leaving me a very reasonable amount of time in which to address all of these complex and important issues. I congratulate my hon. Friend the Member for Sittingbourne and Sheppey (Derek Wyatt) on securing the debate. As we have heard, these are immensely important issues for our country and it is good to have the opportunity to discuss them. We have had a number of very interesting contributions from the hon. Members for Epping Forest (Mrs. Laing), for Isle of Wight (Mr. Turner), and for Cambridge (David Howarth) and, briefly, from the hon. Member for Kettering (Mr. Hollobone), who sadly had more pressing business than to stay for the conclusion of this debate.

We have had a very interesting debate, but I am afraid that I can agree with very few of the propositions that have been put forward. Instead, I want to make the case for the Union, for the United Kingdom, and for the measures that will support it. The starting point for everyone we have heard today is that the Union is a very precious institution for all the peoples of these islands and that we must do everything that we can to preserve and enhance it. I was very pleased to hear the stirring defence of it by the hon. Member for Epping Forest. I agree with every word that she said about that, but unfortunately with very little else that she said, but I will speak about that in a moment.

What lies at the heart of all the concerns that have been expressed today is a belief that, somehow, devolution has threatened the continued existence of the Union. That belief is mistaken. It is our view that devolution is not a threat to the United Kingdom; it secures the Union. The virtue of our Union's constitution is that, for centuries, it has been able to accommodate the differences within these islands. It does so on the basis of asymmetry. Constitutional arrangements to protect the interests of minorities inevitably differ from arrangements to protect the interests of the majority, and this nation, as hon. Members have said, has an asymmetrical balance of power in which England is overwhelmingly dominant in terms of both population and representation in Parliament.

Asymmetry is what gives rise to the West Lothian question, among other things, but it is not the same as imperfection. The hon. Lady sought to say that it was, but I am glad that she slid away from that proposition in her later remarks. At the beginning, she seemed to be hankering after some perfect symmetry. I think that that also lies behind the concerns of my hon. Friend the Member for Sittingbourne and Sheppey.

Asymmetry in our constitutional arrangements is nothing new. It has existed for hundreds of years. Legislative devolution in Scotland built on the distinctive Scottish institutions that remained after the Union of 1707, including the legal and educational systems. Extensive administrative devolution, built around the office of Secretary of State for Scotland from 1885, also provided the basis for the creation of the Scottish Executive and Parliament.

Mrs. Laing: I agree entirely with the Minister that that asymmetry is necessary in practical terms and perfectly acceptable. As a Scottish lawyer, I could not possibly disagree.

Mr. Wills: I am grateful to the hon. Lady for confirming that on that issue, at least, we are in the same place. It is important to recall that asymmetrical constitutional arrangements are nothing new. Wales has its own history within the Union. Until the early 20th century, Wales and England were administered as one, but in 1964, the first Secretary of State for Wales was appointed with their own Department, the Welsh Office. During the following 30 years or so, that role was progressively widened. The creation of the Welsh Assembly in 1999 put domestic Welsh policy issues under the democratic control of the Assembly.

Northern Ireland has been served for many years by a separate civil service, and separate Northern Ireland Departments have carried out the functions of their Whitehall counterparts. Such asymmetry is not confined to the United Kingdom. It is a feature of most modern democratic constitutions around the world, as the protections necessary for the more dominant partners in any state are not the same as those necessary for minorities.

We believe that the creation of a separate Scottish Parliament, Welsh Assembly and Northern Ireland Assembly has enabled better local decision making in response to local issues. It empowers local people and, to pick up the point made by the hon. Lady, local people perceive it to be fairer. We believe that that strengthens the Union, which is enormously important. We are bound together not just by a common identity and citizenship but by the enduring interests of all the nations of the Union.

All parts of the Union share resources and pool risks, to the benefit of each. That is a particularly important point to make to the House. At this time of extraordinarily rapid and extensive change in the world around us, pooling risk is important to all of us. We share access to natural resources and, more importantly, to the human resources made up of all the diverse peoples living here. The risks that we pool and carry together involve inherent uncertainty and are increasingly volatile. How do we thrive in an increasingly competitive globalised economy whose demands change ever more swiftly and radically? How do we manage the constantly evolving threat of international terrorism and major challenges such as climate change? In all those matters, we believe, as I hope everybody in this Chamber believes, that the United Kingdom is stronger together than apart. The hon. Lady made that point powerfully.

There have always been asymmetrical constitutional arrangements in the United Kingdom, both before and since devolution. They reflect the different sizes, historical backgrounds and aspirations of the different parts of the UK. That is true of England as well. Again, the hon. Lady made an important point: there is also immense diversity within the UK's constituent nations. The south-east is very different. The area represented by my hon. Friend the Member for Sittingbourne and Sheppey has distinctive characteristics and is quite different from other parts of the south-east, London and my own constituency of Swindon. Such diversity is a source of strength for all of us. We should celebrate it, and our constitutional arrangements must inevitably reflect it.

I come to the specific measures suggested in this debate. My hon. Friend the Member for Sittingbourne and Sheppey is imaginative and creative in his policy making. He is a policy entrepreneur who brings great radicalism and insight to all his proposals, but I am afraid that on this occasion he is wrong. He argued for radical new constitutional structures, and some of his remarks found favour with other hon. Members who have spoken.

Before I address the points raised by my hon. Friend, I should like to correct something he said. He seemed to be suggesting that this Government were somehow conservative and predisposed towards the status quo. If he looks back on our record of constitutional reform and renewal in the past 11 years, he might wish to reconsider that attitude. We are perfectly willing to undertake constitutional reform when we think that it is merited, and we have done so consistently since 1997.

With respect to my hon. Friend, his proposals are impractical and might in many ways be dangerous to the future of the United Kingdom. As other hon. Members have recognised, if any federal structure were imposed in the United Kingdom, it would be dominated entirely by England. England has more than 85 per cent. of the population and creates more than 80 per cent. of the gross domestic product. Any separate English Parliament or equivalent would dominate the Union's macro-economic needs through decisions on spending policies, and the UK Parliament, however constituted, would be left trailing in its wake.

Any federation where one partner has 85 per cent. of the economic strength and the population simply cannot work. That is why constitutional experts generally reckon that only federations where no one partner has more than 30 per cent. of the population and the economic strength are viable. Nowhere in the world does such an unbalanced federation work.

Mr. Andrew Turner: I hear the Minister say that, but he has not explained why. Can he do so?

Mr. Wills: I shall come to the explanation, because I want particularly to address the hon. Gentleman's comments about an English Parliament and what I took to be his advocacy of, or certainly his constructive engagement with, that idea. I shall address that quite specifically.

To sum up my remarks on the proposals made by my hon. Friend, he made a radical proposal for reform of the House of Lords. We are bringing forward our own proposals for House of Lords reform, and I am sure that he will be interested to see them shortly.

Derek Wyatt: Does my hon. Friend think that it is appropriate that the English have one regional Committee, which has not met since June 2004? Is he saying that he is proud of that record? I think that it has met only five times in 11 and a half years. Is that how we should treat the English in the House?

Mr. Wills: I shall address the question of Select Committees now, because I want to address the idea of an English Grand Committee and say what we are doing to introduce proposals to reflect my hon. Friend's concerns. I accept that we need to do more to consider how better to represent the regions of this country. Since last year, we have been introducing proposals, which I shall address shortly. My hon. Friend asked me what I am proud of. I am proud of this Government's

record on constitutional reform and renewal. It is genuinely radical, and it is doing a great deal for the people of this country.

There has been a lot of discussion about an English Grand Committee. The hon. Member for Epping Forest said that it should be actively considered. We are actively considering it. We have actively considered it, and it is difficult to see what benefits such a Committee would bring. An English Grand Committee that directly mirrored the other two would have 529 members. It would be impossible for such a Committee to work in the same way as other Grand Committees.

We have, however, proposed the establishment of regional Select Committees to ensure that English regions' different views are taken properly into account, which would support the network of regional Ministers that we have introduced, which is already working well. We believe that to be a much more effective way in which to ensure that the varied needs of the English people are given focused consideration, particularly in relation to matters that cross the boundaries of even the largest local authorities. Although I cannot agree with my hon. Friend's proposals in their entirety, I hope that he would agree that our proposals at least address the sorts of concerns that he outlined, and believes me when I say that we will bring this forward.

Mrs. Laing *rose—*

Mr. Andrew Turner *rose—*

Mr. Wills: I shall give way to both hon. Members in a moment.

If we take further the proposal for an English Grand Committee to consider English legislation, we will be led down a slippery slope towards an English Parliament, which is an issue that I want to address, and the hon. Member for Isle of Wight has raised some concerns that I will also address shortly. For the reasons that I have given, however, I believe that such a policy would ultimately lead to the break-up of the United Kingdom.

Mrs. Laing: The Minister has anticipated my question, and answered it with the reference to a slippery slope towards the break-up of the United Kingdom, which of course was said about the Scottish Parliament. However, it is precisely to stop us further descending down that slippery slope that some of us have proposed English votes for English laws.

Mr. Wills: I give way to the hon. Member for Isle of Wight.

Mr. Andrew Turner: The problem is with the maps that have been drawn, and which keep popping up. The Isle of Wight is more like Devon than Berkshire, and Berkshire, or at least Reading, is more like Swindon than Oxford. Such points are not understood by those who follow the maps.

Mr. Wills: I completely understand the problems with drawing boundaries, but of course such issues will always exist.

David Howarth: Before the Minister moves on, how is it envisaged that the regional Select Committees will work?

Derek Wyatt: And when?

David Howarth: Are the Government still insisting that the Labour party must have a majority on each Committee? That would lead to impossible difficulties in regions where it does not have sufficient members, and would seem to undermine the idea that the regional Select Committees should be representative of their regions.

Mr. Wills: We will bring forward details shortly, so the hon. Gentleman will just have to be patient for a few more weeks—that also answers my hon. Friend's sedentary question.

This debate highlights the very difficult problem, for all of us who must confront such issues, of the composition of such Committees. However, I shall come to the nub of the question about an English Parliament, or Grand Chamber, which in effect would be a precursor to an English Parliament. Such questions are raised very frequently. At the heart of the promotion of such measures lie two myths, which the hon. Members for Isle of Wight and for Epping Forest have perpetuated again today. The first is that it is in the Labour party's narrow self-interest to resist them, because we do not have a sufficient majority of MPs in England, but historically that simply has not been the case.

I shall take up a little of the Chamber's time to give a few figures for recent elections. In the following elections, the Labour party had a comfortable majority of English MPs: 1945, 1966, 1977, 2001 and 2005. So the hon. Lady's comments simply are not rooted in fact. In two elections—1964 and 1974—the Conservatives had a majority of English MPs under a Labour Government. In October 1974, and in 1950, there was no overall control. Astute Members will have spotted that when a Labour Government have had a comfortable working majority, over the UK Parliament as a whole, they have also had a comfortable majority of English MPs, as logic would suggest—irrespective of what she implied. Under a very narrow majority—as there was in 1950, 1964 and 1974—there have been problems, but of course any Government with as narrow a majority as that which the Labour Government had following those elections will have all kinds of other problems in managing their majority. It simply is not true, therefore, that our opposition to the sorts of proposals put forward today is in the Labour party's narrow self-interest. We are concerned solely with the preservation of the Union.

Mrs. Laing: I do not for one second dispute the Minister's figures, or indeed his statistical analysis, but surely he and his fellow Ministers, when planning Government policy, look not to past statistics, but to the statistics of the present and the possible statistics of the future. At the moment, it is not likely that a Labour Government, if elected in the next few years, would have a large and comfortable majority.

Mr. Wills: On the basis of historical evidence and projections, if a Labour Government are re-elected with a comfortable working majority in the House, they will most likely have a comfortable working majority of English MPs. The hon. Lady can form her own views about whether that will happen, but that is a completely separate issue. If the Conservative party's representation

[Mr. Wills]

in Scotland remains the same—it has a very small proportion of the Scottish MPs—under her arrangements, it would have considerable difficulty passing Bills relating only Scotland in the UK Parliament. I ask her to consider that.

Mrs. Laing Will the Minister give way?

Mr. Wills: I hope that the hon. Lady will forgive me for not giving way, but I want to come on to the second myth. I was—very generously—left a lot of time at the beginning of my remarks, but I have many more important points to make about, for example, the Barnett formula, among other things, which I am sure that hon. Members would like to hear.

A second myth has been floated: that it is possible to define an English Bill. It is in fact extremely hard, and anyone who has observed the legislative process in this House will realise just how difficult it would be to define one. The Higher Education Bill was adduced as an example of how the current system is unfair. At the time, in 2004, that Bill was dubbed a West Lothian Bill by the Conservative party, because student finance is devolved. I think that point was made earlier. However, part 1 of the Bill provided for the Arts and Humanities Research Council, which extended to the whole of the UK. In other words, this Bill, which so often is adduced as an example of an English Bill, was nothing of the sort.

Much more important, however, is the difficulty of isolating any Bill from having an effect throughout the United Kingdom, partly owing to the way in which the Scottish block grant is determined. However, there are other reasons, and I can do no better than to quote the Kilbrandon royal commission on the constitution, because it put the point extremely well. It said that

"any issue at Westminster involving expenditure of public money is...of concern to all parts of the United Kingdom since it may directly affect the level of taxation and indirectly influence the level of a region's own expenditure".

That is not a party political point; it is the extremely astute and elegantly expressed comment of a royal commission, and we should all bear it in mind when we discuss these issues.

I come to the Barnett formula and funding, which I think all hon. Members have mentioned today, and which is always a lively issue. We have heard a lot about the inequities of the system, and I should like to correct some common misconceptions about the way in which it operates. Some high-profile devolved administration decisions and much of the associated media coverage have created the impression that there are—to use the hon. Member for Epping Forest's phrase—unfair differences between public services in different parts of the UK, and that the devolved administrations receive funding for services additional to those available in England. That is not the case. They receive a block grant to spend on the public services for which they are responsible. The mathematical formula that underpins the Barnett formula has not changed since its inception, including through 18 years of Conservative Governments.

Devolved administrations have pursued some policies that are not replicated in England, but that is what they are there for. By increasing spending in certain areas, such as by giving free prescriptions and personal care, they inevitably have to make reductions in other key public services. That is the part that we do not hear about in all the public discussion on the spending policies of the devolved administrations. This year, universities in Scotland, which are an important part of the infrastructure, will have a real-term reduction in funding, whereas the total grant to the Higher Education Funding Council for England, which distributes public money to universities and colleges for teaching and research, will rise 2.5 per cent. a year between 2008 and 2011. Similarly, health spending in England will rise in real terms by 4 per cent. a year for the next three years, whereas in Scotland it will rise by only 1.5 per cent. We do not often hear about that sort of discrepancy, but it matters.

It is inevitable that devolved administrations will have different priorities and will make different choices, but that is not necessarily unfair—it is just different. The two are not synonymous. Another important issue is respite care for the parents and carers of disabled children. In England, it is funded by the Government through a £340 million programme, but in Scotland it is not guaranteed. That is another discrepancy, but it is not necessarily unfair to the people of England.

I was pleased to hear an hon. Member—not my hon. Friend the Member for Sittingbourne and Sheppey, but the hon. Member for Cambridge, I think—mention the importance of need when considering funding. The Barnett formula depends on assessment of need. My hon. Friend did some careful and nice per capita calculations, but with spending figures, the crucial consideration must always be need. That is what determines fairness—to pick up on the hon. Lady's phrase again. Fairness is absolutely essential; the Government believe that above all else. If one considers fairness in spending, one has to consider need. There will be differences in how precisely one defines it, but it is fundamentally important and one must bear it in mind when one considers the figures. I hope that my hon. Friend will remember that.

Mr. Andrew Turner: What about London? The greatest amount of money seems to be spent there, but that could not be for reasons only of need.

Mr. Wills: I am not a London MP, and I hesitate to trespass on these extremely delicate issues. The hon. Gentleman will be aware that, if any London MPs were present, they would strongly contest what he says. It is inevitable, with definitions of need, that individual areas will tend to put their priorities highest. Local authorities are always complaining about how unfairly they are treated, whichever part of the country they are in, because their definition of their needs and the priorities given to them are always different. That is true across local authorities and regions, and between Scotland, Wales, Northern Ireland and England. It is inevitable that there will be such differences and arguments. There probably will never be a settled conclusion on precise definitions of need. That is democratic debate and we could discuss it for ever. Need should always be borne in mind, and I am very glad that it was brought into the debate. I hope that my hon. Friend will remember that when he discusses these figures in future.

We have had an interesting debate, which has shown that devolution will continue to be a matter for discussion,

but we believe that it has secured the future of the Union. It is easy to forget what the situation was like in the 1990s when feelings were running extremely high in Scotland. I remind the hon. Member for Epping Forest that the people of Scotland felt that it was being used unfairly as a laboratory for the divisive social and economic policies of the Conservative Government of the time. The people of Scotland still have not forgotten that they were used to test the implementation of the poll tax. Such issues raised tensions to an extremely high level.

Whatever one thinks of the current Administration in Scotland, most people would accept that we have a vibrant devolution settlement. The recent mayoral elections in London, although they did not turn out as I wished, were nevertheless a good advertisement for our vibrant devolved democracy, and will continue to be so. Our measures on devolution have enhanced the constitutional arrangements of this country and have preserved the Union. They deliver essential flexibility and allow the devolved administrations and legislatures the ability to deliver distinctive policies, and it is right and proper that they should do so. The fact that there is also a single Government taking a UK-wide view has enabled us to have the stable macro-economic policy that has delivered growth year on year for the past 10 years and has kept us in good shape to face the turbulent global economic challenges that lie ahead.

Our constitutional arrangements have delivered a common social security system that assists those who are most in need across the UK, building the common sense of identity that is so important. We have been able to adopt a common approach, which, I hope hon. Members agree, is important for dealing with the challenges of terrorism and formulating common policies on defence and foreign affairs. It is our profound belief that the Union benefits all the people of the United Kingdom. It reflects our shared history and heritage, and supports the successful participation of all the peoples of these islands in a global economy. It promotes our international standing, and I hope that none of us will do anything to damage it. I know that my hon. Friend the Member for Sittingbourne and Sheppey; agrees with me on that, but I am afraid that his proposals would risk—inadvertently, I am sure—damaging the Union that is so precious to us all. I hope that he will reconsider his proposal, but I welcome his continued contribution to this debate.

Academies

10.59 am

Mrs. Linda Riordan (Halifax) (Lab/Co-op): I am delighted to have secured this debate, which allows me to put on record my concerns about the whole academy programme, both nationally and in my constituency.

I do not think that anybody will deny the investment that this Government have made in education since 1997, but the debate is about the academies programme. Despite considerable evidence that that system of educational reform simply does not work, the Government recently indicated that the scheme was to be expanded. Whatever Ministers and private sector investors might tell us, the academies programme is the privatisation of our education system in all but name. Why would private investors and multinational companies, one of which phoned me this week to try to influence the debate, be so keen to get their hands on our schools if not for the purpose of profit? The academies scheme is a flawed and futile way to reform education and will further only the marketisation of public services, not investment and achievement in education.

I do not doubt Ministers' sincerity when they say that they want to improve standards in schools. No one wants a school to decline. However, our main argument should be about how best we can achieve our aims of improvement, attainment and fulfilment, rather than do the opposite. The pro-academy lobby talks about standards purely to justify a move towards a system to which most people are essentially opposed. For example, it looks at a failing or underperforming school and asks people whether they want it to improve. Of course, everyone in the local community rightly says yes. A take-it-or-leave-it offer of an academy school instead of the existing failing school is then put on the table. As one would expect, the investment is welcomed by all, but I am yet to hear a convincing argument that similar investment in a new comprehensive or a smaller through-school would fail to achieve the same aim.

It seems that Ministers are convinced by the argument that academies work where comprehensives do not, yet the pure facts do not back that up. In my constituency, the Ridings school, a former comprehensive that many hon. Members will have heard of, is merging with Holy Trinity Church of England school to form a new, supposedly state-of-the-art academy venture. It is expected that attainment standards will increase because of the merger, which is the argument that the pro-academy lobby has used to perpetrate the case for academies. However, it is not likely that children who are underachieving in their present schools will receive the care and attention that they require to improve in an academy of 1,000-plus children. Furthermore, it has not been proved that removing accountability from local education authorities is of any potential benefit to a community that is already struggling to keep up with neighbouring areas.

Although it is premature, the decision to have an academy in Halifax has been taken. However, I am appalled that not enough consideration has been given to whether that fleeting venture will really work and benefit people in that part of my constituency. It seems a short-term fix for a long-term problem.

[Mrs. Linda Riordan]

I have heard similar stories about academies from across the country. They are seen as an easy answer to the difficult task of providing adequate education in deprived areas with schools that have with low attainment levels and poor Ofsted reports. The idea is attractive to most, with its promises of increased investment, new buildings and a new beginning for underachieving areas—at least until we scratch beneath the surface. Consultations are rushed and local opinions are generally not surveyed. For example, consultation with parents in Halifax was held during the school holidays, even though the decision had actually been taken well before. So much for being in touch with the feelings of local communities.

Alas, it seems that a new academy will shortly open in my constituency. What worries me most is that it does not seem that enough attention has been given to how it will fit into the current education structure. Perhaps the Minister will tell me differently. With two grammar schools, faith schools and local comprehensives, Halifax does not have the most uniform of school systems. Parents who cannot get their children into the local grammar or Church schools are forced to play the system and send them to comprehensives away from their catchment area—for instance, in the neighbouring Calder valley. What is left in Halifax is a last resort for most parents: a modern secondary, the Ridings school. I admit that it has had disappointing exam results in recent years, but it is likely to have an even more unstable future as a new academy after the merger.

Of course something needed to be done about falling standards, but why an academy and why now? In my opinion, the whole ideology behind the academies system has an economic, not an educational purpose. The merger of a well performing faith school in Halifax with an underachieving comprehensive school in an effort to make one super-school has aggravated many people in the community. Will the Minister tell me what the point of the consultation was, given that my constituents' views were not even taken into account? Are people's views taken on board, and if so, why have they not been reflected in Halifax?

I believe that academies are wrong for four fundamental reasons. I hope that hon. Members will agree with me when they have heard the debate. Those four points have led me to believe that, rather than roll out the academies programme further, the Government should consider scrapping the whole thing in favour of a system that local communities actually want. In my case, that is smaller through-schools covering the ages of four to 16 or 18.

First, academies are anti-democratic. The sponsors nominate the majority of school governors and academies are not under the control or direction of the local authority. In effect, there is no accountability. Secondly, the sponsorship system is flawed. Sponsors are not required to declare who gives them money, so they are entirely unaccountable and out of the control of local councils. Newcastle city council recently wrote to the Department for Children, Schools and Families requesting that an academy sponsor with somewhat dubious habits be removed. Why does that need to be a central Government, rather than local government, decision?

Thirdly, academies practise covert selection. For example, the intake of children with special needs, who may carry poor academic records, can be restricted. Surely we are not encouraging a system of exclusion in this day and age. Furthermore, as academies receive considerably more capital funding than community or foundation schools, they have the potential to undermine local admissions policies.

Finally, academies have not been proven to rectify poor attainment levels as one would have hoped. On 11 June, a full list of failing schools was published. Barnsley academy rated sixth from lowest in the country, with only 20 per cent. of its students achieving five A* to C GCSE results.

Despite that, the Government seem determined to drive on, unaware of the dangers that lie ahead. The move away from the comprehensive ideal is contrary to the values and visions at the heart of the Labour movement, and I profoundly regret it. I am not saying that change was not needed in Halifax, but I have not discounted the possibility of better ways to improve education than this back-door privatisation scheme.

With your permission, Mr. Chope, I shall hand over to my hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase), who is the chairman of the anti-academies alliance.

11.8 am

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): I thank my hon. Friend the Member for Halifax (Mrs. Riordan) for allowing me to make a few points about academies in her constituency and elsewhere. I congratulate her on securing this timely debate.

I preface my comments by saying that the Minister has made it plain on a number of occasions that his aim is to secure the best educational opportunities for young people aged 14 to 19. He makes no pretence that any particular plan must include an academy or must not include an academy. He is looking for the best and, in regard to that matter, we all applaud his integrity and his intention. Nevertheless, it must be said that, notwithstanding his value-free assessment of the place of academies in a wider solution to some of the problems that beset our secondary schools, other forces are not quite so benign.

My hon. Friend the Member for Halifax has referred to the raft of business people who have been called in as though they had some magic formula to turn round schools, when in fact the evidence shows that they have had no such success that can be backed up at in any real, meaningful and statistically sound manner. I will mention a few of these business people. There is Lord Harris of Peckham, the Carpetright plc chairman; I think that he is pretty good at selling carpets. There is Lord Laidlaw, who is a bit more problematic; he was disgraced for his antics in Monaco and exposed by the *News of the World*. There is David Samworth of Pukka Pies—a background that I think provides really good groundwork in education policy—and David Crossland, founder of Airtours. The organisations involved include Carphone Warehouse, the Society of Merchant Venturers, and Tarmac. Tarmac is a very good company in my constituency, but as for education? Well, Tarmac is pretty good at roads, but I am not too sure about secondary schools.

Mr. Philip Hollobone (Kettering) (Con): The hon. Gentleman makes his point extremely well. However, is this not a case of new money going into education to

raise the educational attainment of children who, for whatever reason, are not achieving well at the moment?

Mr. Purchase: The new money is almost entirely coming from the Government, because none of these sponsors can say, hand on heart, that they have put their hand in their back pocket and produced £2 million. No one can find evidence of that, simply because they have not done it. What they have done, in many cases, is to sell services to the school that they now own and then pretended that they sold those services at a discount rate, and somehow that counts against their £2 million contribution. I am afraid that the hon. Gentleman has been taken in.

The real boost to education spending has come from Government sources. I must say that the Minister for Schools and Learners, who is here today, has made some real progress, for example, in tightening up the admissions criteria. However, there is little doubt that the academies have found ways and means by which they can overcome the proper restrictions that the Secretary of State for Children, Schools and Families has put upon them.

Academies have found ways of expelling more than the average number of students who are expelled from schools. In Walsall, which is next door to my constituency, the new academy replaced a school that had 50 per cent. of its children receiving free school meals. The figure for children receiving free school meals is understood to be a very good single indicator of deprivation within a school population. Guess what, though? The academy in Walsall now has just 11 per cent. of children receiving free school meals. So I share all the fears that my hon. Friend the Member for Halifax has expressed about her own constituency and the deprivation there, which I know she deals with daily.

Regarding the sponsors that we have for academies, I mentioned at Prime Minister's Question Time some time ago a conversation that was alleged to have taken place between Lord Harris of Peckham and Lord Adonis, who is a former member of the Social Democratic party, I think. In this conversation that is alleged to have taken place between them, Lord Harris is reported to have said, "Well, he"—that is, Lord Adonis—"will ring me up and say, 'Look, I've got this school, it ain't doing this and doing that.' Then, I say to him, 'What's it like with so-and-so?' And if I like it, I say, 'OK, I'll have it.'" Now, in my opinion, that is not the way in which an Education Minister should be conducting affairs that affect the future of thousands of young people, if not many more.

Even more than that, what do we get? Francis Beckett, the journalist, interviewed Lord Harris on these matters and he said that he got his first taste of the entrepreneurial edge that such men can bring to our schools. He said:

> "I was sat in the back of Lord Harris's limousine. First, he phoned round all his stores and asked for their sales figures, then he phoned round all his schools".

He did so to find out who was in school that morning. That is the kind of nonsense that we are now into.

Education is supposed to be done by educationists. There is absolutely no evidence at all, not even in the Government's PricewaterhouseCoopers report, that can substantiate in any real sense the claim that academies have brought to the party what they were supposed to bring. They were intended initially to replace really difficult, so-called failing schools in our inner cities. When that plan did not work, Lord Adonis announced that he wanted to expand his programme. Would anyone believe that we now have private schools looking to the Government to help them to become academies and to give them the kind of support that they have craved from the very beginning?

So now we have a position where, in an interview in *The Spectator*—Mr. Chope, you will be aware that *The Spectator* is the Tory house magazine—Lord Harris stated his view that the only achievement of comprehensive education in this country had been to "destroy" good grammar schools. Lord Adonis is the person that our former Prime Minister, Mr. Tony Blair, who has now retired from that office, put in charge of the Labour party's education policy. I find it absolutely extraordinary that a man who was so opposed to everything—everything—that the comprehensive ideal had tried to achieve should be put in charge of that policy.

I finish by reminding hon. Members of the history. When Butler produced his famous Education Act in 1944, it opened up the possibilities, for the first time, of education for all. In the 1960s, an heroic Labour Government produced the circular that allowed comprehensive education to become the norm. Lady Thatcher actually closed more grammar schools than any other Minister before or since. We have had a genuine advancement of opportunity.

However, what we are seeing now is a process of closing down opportunities again, so that we have faith schools, specialist schools and trust schools—you name it, you can have any school you like, except you cannot get into them. The problem that we now have is not one of diversity; what we have now is the break-up of a truly magnificent ideal of comprehensive education. I say now that, if this academy movement is allowed to succeed, the long, long road that we have all been fighting on to get comprehensive schools available to all will be further diminished and this country will be the poorer for it.

11.18 am

The Minister for Schools and Learners (Jim Knight): I congratulate my hon. Friend the Member for Halifax (Mrs. Riordan) on securing this debate. Along with my hon. Friend the Member for Wolverhampton, North-East (Mr. Purchase), she has raised some important points and it is helpful for me to have the opportunity to clarify the Government's position.

I will start by providing some context. As, I think, my hon. Friend the Member for Halifax said, it is our ambition that every child benefits from a good education; from a good-quality place in a local school, where high standards set them on the path to achieving all that they are capable of. That is what every parent wants from their local school.

In the children's plan we have made a commitment that, by 2020, at least 90 per cent. of young people will achieve five higher-level GCSEs or more by the time that they reach the age of 19. In order to do that, we have created a floor target under every school, which states that, as an important step towards that 90 per cent. figure, at least 30 per cent. of pupils in every

[Jim Knight]

secondary school in the country should achieve five higher-level GCSEs including English and maths, which are the priority subjects, by 2011.

Over the last 10 years, we have made major inroads, which is largely down to the efforts of teachers, pupils and school leaders. In 1997, more than 1,600 secondary schools—more than half of secondary schools—were falling short of that 30 per cent. figure. Today, that figure is down to 638, which is about 22 per cent. of secondary schools. However, even one school that falls below that basic floor target is unacceptable. We are aiming for, and will achieve, a target of zero schools failing to reach the target figure by 2011. That is why the Prime Minister is committed to ensuring that every school is above the floor target by 2011. Those that are not will be subject to a formal intervention.

That is why last week we announced the national challenge, which is the next stage of our improvement strategy to help those remaining schools and their local authorities to address the issues, to meet the floor target and, crucially, to provide their students with the good education that is so essential to success in later life. As part of the national challenge, they are being offered a range of support and intervention.

Many schools are progressing well. They are successful but need just a little more support, not radical intervention. Others need considerably more support in respect of leadership, governance, teaching and pupils, and still others need more radical solutions. Even then, different circumstances require different solutions, depending on the particular challenges a school or area faces. That is why we are asking local authorities to prepare plans for their schools. They may involve a merger with another school, closure, or replacement with a national challenge trust school or, of course, an academy—the subject of this debate.

The national challenge programme is backed by an additional £200 million reprioritised from existing resources, on top of £200 million already made available in the Budget. That is £400 million of extra funding to support those schools over the next three years. The funding will support the range of interventions and preventions that schools and local authorities need. We will have local authorities' plans by the end of the summer term, and they will include academies. My Department will work with the 26 academies currently below the floor target on exactly the same basis as we would with other schools.

Academies have a proven track record as a successful solution. They allow staff and pupils to make a clean break from the past and, often, from a legacy of generations of underperformance. They offer new leadership, stronger governance and curriculum freedoms. They have all the ingredients to be able to offer much more flexibility to deal with the problems and circumstances that resulted in their predecessor schools letting down generations of young people by providing an inadequate education. From that flexibility comes real innovation and a stronger ethos. Academies are supremely popular with parents.

As a group, academies continue to have the fastest improving academic performance in the country. Their overall absence rate is down by twice the national rate of improvement. Academies with underperforming predecessor schools saw the proportion of their pupils gaining five or more higher-level GCSEs double between 2001 and 2007. If we include English and maths, the improvement was still considerable—more than 11 percentage points, which is significantly higher than the national average.

Academies are in some of the most challenging areas, and they succeed some of the most challenging schools in the country, often with high proportions of children with special educational needs. My hon. Friend the Member for Wolverhampton, North-East raised some questions about that. The average number of pupils with special educational needs in academies is 29.5 per cent., compared with the national average of 19.2 per cent., so academies are doing more than their fair share in respect of SEN. The national average for the number of children with free school meal entitlements in secondary schools is 13.1 per cent. In academies, it is 33.8 per cent., so they are doing more than their fair share in terms of educating the more disadvantaged pupils in our country.

They are finally giving our most disadvantaged communities good education and a route to self-improvement. My hon. Friends do not have to take just my word for it—the fourth PricewaterhouseCoopers report, which was published last year, stated:

"The general picture in relation to pupil performance in Academies is one of overall improvement against a range of indicators at Key Stage 3, Key Stage 4 and post-16 levels."

PricewaterhouseCoopers is currently undertaking its fifth and final review, which is due to be completed in the autumn.

Mr. Purchase: The PricewaterhouseCoopers report shows clearly that exam results for academies are not significantly different from other schools with much less funding. More than that, great evidence is already available that academies and city technology colleges are putting people into exams that are easier to pass and are therefore boosting their apparent results. The Minister's own report shows that.

Jim Knight: If my hon. Friend does not like PricewaterhouseCoopers, why does he not look at the National Audit Office, which last year found that academies are

"on track to deliver good value for money",

are

"popular with parents and staff",

and are improving educational attainment at a much faster rate than the national average?

Mr. Purchase: Will my hon. Friend give way?

Jim Knight: I must make some progress, because there is a limited amount of time. I know that my hon. Friend will be friendly in that regard.

Of the academies that have so far been inspected by Ofsted, 96 per cent. were judged to have good or outstanding leadership, compared with 62 per cent. of secondary schools in general.

My hon. Friend the Member for Halifax has raised concerns in the past that the academies programme represents the privatisation of state education. She repeated that today. Let me firmly reassure her on that point, which is simply not true. Academies are state-funded

schools. They are funded directly by my Department—by the Secretary of State—and they provide free education, often to our most deprived communities and without selection by ability. Whether from the private, voluntary or education sector, academy sponsors bring to their schools a track record of achieving when faced with difficult challenges. They bring dynamism, a commitment to excellence and the backing that the principal and the staff need to succeed in a tough educational environment. Academy sponsors do not and cannot make a profit from their involvement in academies.

The most recent changes have been to allow universities and others with a strong educational track record to waive the £2 million entry fee for sponsorship. Also, in July 2006, we set up an endowment model, so that the £2 million could be paid over five years, with £500,000 in the first year as part of the endowment. The sponsors of the new academy in north Halifax will be a local university, a local college and a local council, and they will be led by the diocese of Wakefield—that is hardly privatisation.

Mr. Purchase: The Minister refers to various reports. A seminal report that he has not mentioned but should have, as it is the only independent one, was done by the Public Accounts Committee, which found that the academy programme should be halted until a better way is found to get value for money. Never mind PricewaterhouseCoopers, which does too much work for the Government.

Jim Knight: The NAO and the Public Accounts Committee work together. I do not think that there is anything biased about the NAO, which gave the academies programme a clean bill of health.

All the sponsors of the academy in north Halifax have considerable expertise in education in the local area and a vested interest in making the school a success.

Academies may not be popular with my hon. Friends the Members for Halifax and for Wolverhampton, North-East, but they clearly benefit staff, parents and pupils and can reverse the fortunes of struggling schools in a short space of time. I am confident that, in time, my noble Friend Lord Adonis will be viewed as a hero of the Labour movement, thanks to the transformation of education in London under his stewardship. London schools now outperform the national average, and in large part academies have been an essential ingredient of that success.

That remedy is something that my hon. Friend the Member for Halifax can look forward to in her constituency. Currently, there are not enough good-quality school places for all the children who need them. As she said, about one third of children are obliged to travel to schools outside their local area. The Holy Trinity Church of England senior school is oversubscribed, with a significant loss of pupils at 16. The Ridings school has twice been in special measures and has been unable to shake the bad reputation it gained in 1996. That is why the decision was taken last year by Calderdale council to close the school in August 2009.

The broader scene in Halifax is much brighter. Holy Trinity school is doing well, with an unauthorised absence rate well below the national average, and 56 per cent. of its pupils achieve at least five higher-level GCSEs including English and maths. Sadly, only a narrow proportion of local children are able to benefit from its provision, due to the admissions arrangements of the school. The situation will be transformed by an academy with enlarged numbers, which will impact positively across the community. Admissions will be based on proximity, with more choice being opened up to more pupils to be educated locally. An academy will bring a stronger community focus to the local area, drawing together a more diverse population and therefore creating provision that better reflects the area that it serves. Crucially, it will drive out some of the failure that the system has seen in recent years and will raise standards for the pupils of Halifax.

Academies are not an easy solution. There never is one. For some schools, a bit of extra support will be enough. For others, more profound changes are needed. The programme is about improving schools in a way that best serves the needs of their communities. We believe, along with the local authority and the diocese, that an academy in north Halifax is the right solution. Academies are a proven route to success, to raising standards and to fairer access to a good education for all. The children of Halifax deserve nothing less.

11.29 am

Sitting suspended.

Gypsy Encampments (Wiltshire)

2.30 pm

Mr. James Gray (North Wiltshire) (Con): May I say how pleased I am to have this opportunity to raise a matter that is of huge importance in my constituency of North Wiltshire and across the county of Wiltshire? Other hon. Members from elsewhere in England will be watching the progress of this debate, because many of my arguments would apply in most other counties across the nation of England. So this is a debate with a broader aspect, despite its title. In that context, I am glad to be joined by two colleagues from Wiltshire: my right hon. and learned Friend the Member for Devizes (Mr. Ancram), who has flown in on the red eye from Washington especially to be here, for which we are grateful, and my hon. Friend the Member for Westbury (Dr. Murrison). My hon. Friend the Member for Salisbury (Robert Key) sends his apologies: he has an urgent engagement in Salisbury and has been detained there. He would have been here otherwise and I understand that he supports what we will be saying during the debate.

This is a grave and great matter, particularly in my constituency. In the past month or so North Wiltshire district council has been consulting on whether and where it should allow a new Gypsy encampment, currently for 24 pitches but, potentially, for 48: there may be two sites of 24. The excellent firm, Humberts, which carried out a survey into the matter came up with a list of six possible sites for this encampment in my constituency.

It will be no surprise to hon. Members to hear that the people who live next door to each of those encampments have been expressing their opinion on the subject forcfully. There was a meeting in the town of Calne, in my right hon. and learned Friend's constituency last night, attended by 750 people. That is a bigger public meeting than I have seen in my 11 or 12 years as a Member of Parliament. Similarly, a public meeting in Wootton Bassett last week was so large that it had to be divided into three separate groupings. There was a huge demonstration through the town of Chippenham a couple of weeks back, even though we folk in Chippenham do not have many public demonstrations. Public meetings have been held elsewhere. It is a matter of great and grave concern.

I thought that it would be useful to have this debate and to attempt to focus public attention particularly on where it ought to be and away from where it ought not to be. I entirely deprecate and distance myself from those people who argue on this matter by saying that, in their view, Gypsies and Travellers—I will return to the precise use of the words in a moment—are people whom we would not necessarily want to live near. I have to say that that is not my experience in Wiltshire. I know a good number of Gypsies and many of them, particularly the traditional Wiltshire Romany Gypsies are perfectly charming. The police tell me that there is no evidence whatsoever that they are less law-abiding than the rest of us or that they leave more fly-tipping waste. I had a briefing this morning from the Country Land and Business Association, which said that there is no evidence that they are more guilty of fly-tipping than anyone else. I know of no evidence that they are necessarily less good neighbours than the rest of us.

I deprecate and distance myself from those who have used extreme and difficult language during the debates that we have had in Wiltshire, indicating that as a group or a race these are people whom we do not want near us, because that is not so. It would be wrong if we had this debate along those lines. This debate must be about planning, which some people might think is a boring, dreary matter in some contexts. Nevertheless, it is about planning and the way that we handle the need for sites for these people, in the same way as we deal with building houses for those of us of a settled nature.

Just a word on the way that we describe Gypsies. I use the word "Gypsies" as a shorthand term. My hon. Friend the Member for Beckenham (Mrs. Lait) picked me up on this matter earlier and suggested that we must be careful about our use of language. She is right. The difficulty with the Government's policy in this area is that they do not differentiate, racially, as it were, between Romany Gypsies and other groups. We have a good Romany population in Wiltshire and they are a particular racial group that tends to use the name Smith—Maggie Smith-Bendall is one of their great spokesmen—and has particular genes and chromosomes; they are a discernible racial group. Then there are the Roma, many of whom are coming into this country from Romania, as the name indicates, the Irish Travellers—we have quite a large number of them—and the assorted new age travellers, hippies and general drop-outs of one sort or another. The trouble with the Government's consultation on this subject is that they neither differentiate between those groups of people nor where they come from. Some of them have nothing whatever to do with the county of Wiltshire: many of them come from elsewhere.

At the moment, the southern Irish Government are busy tightening up their rules and regulations about Gypsy encampments and I understand that a substantial number of people in southern Ireland are currently eyeing up England and considering whether to move here. Of course, the standard of life in Romania is extremely poor and large numbers of people there are, equally, considering whether it might be useful to move their caravans to England and, presumably, to Wiltshire, among other places. It is important that we differentiate between the different groups and I will do so. For the sake of shorthand, I will use the term "Gypsy" to encompass all of them. However, it is important that we are clear in our discussions about precisely whom we are talking about and that we do not lump them all together.

An unfortunate episode occurred in a recent planning discussion with regard to the Gypsies who are illegally camped at the village of Minety in my constituency and who have been there for some five years. I will return to that in a moment. During the inspector's consideration of the matter in Monkton Park in Chippenham, the Wiltshire Romanies said that they did not want to live at Thingley junction, a Gypsy encampment near Chippenham with plenty of vacancies available for them, because the people at Thingley were Irish and they were Wiltshire Romanies and they did not like the Irish and did not want to live with them. Equally, the family of Smiths who left Thingley junction some years ago, where they were illegally camped—they are now camped legally in Pudding Brook in Chippenham—also fell out with the Irish at Thingley.

That is all very well, but if somebody comes into my constituency surgery next week and says, "I am a Scotsman. I want a council house, but I am not going to stay in the one I'm in at the moment, because the person next door is Welsh and the person on the other side is French and I don't want to live near them," I will say, "I am extremely sorry. My duty is to help you find proper accommodation, but if you don't like living next door to Welsh people, that's your problem, not mine." I do not accept that the racism within the Gypsy and Traveller community is any more acceptable than racism outside it. I shall return to that matter.

Before I move on to general policy with regard to Traveller provision in Wiltshire, I shall mention a peculiarity in respect of the site at Minety near Malmesbury in my constituency. Travelling people bought the land that the site is on some five years ago and moved on to it in large numbers over a bank holiday weekend, which is the normal way such things are done. They came on to the site and nobody knew anything about it, concreted it over and built toilet blocks. It was a substantial operation. From memory, there are now 30 or 40 caravans on that site. It is entirely illegal: they have no planning permission—it is the middle of the countryside—and they should not be there. The district council concluded that the site breached planning law and that the people should be removed from it. As always happens on such occasions, they have gone through the entire process of the law and explored every corner of the planning law. The final consideration of their illegal encampment is due to be heard in Chippenham from 8 July.

The conundrum is that the inspector has already said that, unless North Wiltshire district council is able to demonstrate that it has provided a site elsewhere for the people at Minety, he will be inclined to allow them to remain in their illegal encampment. Hon. Members might say, "Fair enough. If they can't go somewhere else, fine. Let them stay where they are." But just think of the precedent that that is setting: it would be saying to Gypsies anywhere, "You may plonk yourself down in any field anywhere and if the district council cannot come up with a decent permanent site for you, we will allow you to stay there forever." In other words, we are saying to the Gypsy population throughout the world, "Please do break planning law, because that'll force the district council to do what you want it to do to provide more sites."

Let us imagine that a group of homeless or inadequately housed people come to me and say, "I know what we're going to do Mr. Gray. We're going to build a village in the countryside. We're going to put up rickety tents, old houses, tin shacks—you name it. We're going to live there until the district council builds more houses. We want a house; we can't get a house, so we're going to build an illegal encampment in a field." Those people would be thrown out in the twinkling of an eye. The ordinary settled population would not be allowed to do such things. It is only because these people call themselves Gypsies—in the case of the Minety lot they are Gypsies or proper old-fashioned Romanies—that they are allowed to breach planning law in such a way.

I submit that that is quite wrong. The law—planning or any other law—should apply to Gypsies and Travellers in precisely the same way as it does to the settled population. My duty is to help the settled population find accommodation and I am happy to do so. I happily do the same thing for the Gypsy population, but I do not see why they should be given rights that other people do not have. Everyone should be treated in precisely the same way.

Leaving Minety aside, I shall talk about the current situation regarding provision in the county of Wiltshire. In comparison with most other counties in England, we are reasonably well supplied with sites for Travellers in Wiltshire. Wiltshire county council manages six residential sites and there are 96 pitches all together. Each pitch has two caravans so there are 192 pitches and 200 residents. There are also transit sites consisting of 12 pitches. Wiltshire is therefore one of the best county's for Traveller site provision in England.

So, people might well ask why more sites are needed. Is Wiltshire littered with dozens and dozens of Travellers looking for somewhere to go? No, is the answer to your question, Mr. Chope—had you asked it, which you did not although I could see it in your face. Wiltshire is not particularly littered with large numbers of caravans looking for somewhere to go, so why is North Wiltshire district council—and the other district council, to which I shall refer in an moment—being asked to make permanent provision for large numbers of Gypsy caravans? It is because of a rather peculiar document called the regional spatial strategy. Incidentally, I do not think that we live in a region. I do not believe in regions or in the so-called south-west region. I certainly do not believe in an unelected, appointed, unanswerable, peculiar organisation called the South West regional assembly. I have no clue what that organisation is. I have never been there; I have never seen its minutes. That organisation is not elected and it is not answerable to the electorate in any shape, size or form. However, whoever the people at the South West regional assembly are, they have produced a document called the regional spatial strategy, and, off the top of their heads and for reasons best known to themselves, they have stated in that document that somehow or other Wiltshire has to take large numbers of these sites.

That seems to me to be fundamentally undemocratic. If the councillors at Wiltshire county council or North Wiltshire district council say, "It is our duty as a council to make provision for these people in the same way that we must house the homeless," that would be perfectly fine. They are elected councillors and if they get it wrong by having too many or too few sites, they are removed from office in the next election because they have done a bad job as councillors. The South West regional assembly has no such democratic accountability. The people there have been appointed and we do not know who they are or why they are doing this.

The South West regional assembly is not acting entirely off its own bat; it is replying to a document that the Government produced last year. That consultation document is entitled "The Road Ahead", which is appropriately titled for a Gypsy consultation—although we are not talking about being on the road ahead; we are talking about people settling down for long periods in fixed encampments. In that document, the Government concluded that they wanted 4,000 new pitches across England. Do we know why they want 4,000 new pitches across England? Not really.

I have a number of questions to ask about how the Government came up with that figure that I shall come back to in a moment. The Government said that they want 4,000 pitches across England and they dished

[Mr. James Gray]

them out to the regional assemblies. The South West regional assembly divided the pitches up among the counties; the counties divided them up among the districts; and in a wonderfully obscure, Stalinist, centralist way, the conclusion is that North Wiltshire district council needs 48 new pitches. That is not because there are sufficient Gypsies to fill 48 pitches or because we need them, but simply because something called the South West regional assembly has answered some centralised Government diktat and has concluded that it should do so.

I mentioned that there were two or three things about which I felt unhappy in relation to the methodology used by the South West regional assembly. Without delaying hon. Members too much, I shall mention one or two of those issues. First, each county had to produce a Gypsy and Traveller accommodation assessment, which is a GTAA to those of us in the know. The truth is that each of those GTAAs differ from county to county, and it is up to each county to set up its own GTAA, which undermines the process by which the assessment is arrived at. Secondly, the GTAAs are based on consultations with Gypsies and Travellers, which one might say is reasonable enough. As the report from the panel states:

"this helps inform the process of allocating pitch numbers to each district."

However, the likelihood is that Gypsies and Travellers will exaggerate the number of pitches that they need. They are hardly likely to say that they want fewer than they need—they are likely to exaggerate it.

The South West regional assembly went on to suggest that the compound growth of the Gypsy and Traveller population will be 3 per cent. a year until 2016, which is why we have to come up with so many sites. If my arithmetic is correct, those figures mean that the Gypsy and Traveller population will have increased by some 27 per cent. by 2016—3 per cent. compounded through until 2016. The Government say that the British population will grow by 8 per cent. in the same period. Perhaps the Minister will tell us why it is presumed that the Gypsy population will grow three times faster than the settled population because there is no logic in that at all. I recently had a meeting with some Gypsies and I said to them, "Where are all these extra Gypsies coming from?" and in a rather nice Wiltshire understatement they said, "From their mothers, I reckon." I suppose that is true—although that would happen no faster than the settled population.

In justifying its figures, the panel criticised the Wiltshire GTAA. It said that North Wiltshire has produced unrealistically low figures because of

"the strength of enforcement action carried out by the County having displaced need from the County to elsewhere".

So, lower figures have been produced because of the effectiveness of enforcement action. In other words, the police have done their job and moved people on when they are illegally parked, and because they have done so rather well, we need more sites. The police were simply doing their job and the report has criticised them for that. It goes on.

It seems that in some areas, the individuals who undertook the survey work were people whom the local Gypsy and Traveller communities distrusted—well, it would not be much good if they had used their mates. It seems perfectly reasonable for people in authority dispassionately to assess how many places are needed. The report goes on to refer to Travellers living in houses who might want to return to caravans if new sites are provided. Is it necessarily a duty of society to provide people who have decided to settle and who have been allocated permanent housing, presumably by the local authority or housing association, with sites? Is it up to us to spend large amounts of Government money—incidentally we are talking about £70 million of Government money altogether across the nation—to provide sites so that we can encourage people to leave houses and go back to their preferred way of life in caravans? I am not sure that it is and I am not sure that the voter out there thinks it is either.

The whole approach to this seems to be flawed. The way in which they came up with these figures and allocated them around the area seems to be flawed. The Government want 4,000 new pitches, as I said. North Wiltshire alone will increase its number of pitches by 48, plus 12 transit pitches. Each of those pitches has two caravans, so roughly speaking, there will be a further 120 caravans in North Wiltshire. In addition, they want 14 more pitches in Swindon, 18 in Salisbury, five in Kennet, and 14 in West Wiltshire. There will be 200 more caravans in the county of Wiltshire, and driving around Wiltshire, as I do all weekend, I am not aware of 200 caravans hanging around Wiltshire wondering where to go. I do not believe the figures are accurate; they are a centralist, Stalinist estimate made by the Government and the South West regional assembly, and I challenge the Government to justify them.

I will not enter into discussions about the merits and demerits of the six sites that North Wiltshire district council has proposed. Each of them is unacceptable to the people living there and I am inclined to think that all of them are quite wrong and none of them should be chosen. My problem is not so much with where they should be, but with the principle that lies behind the way in which the Government are saying they should be provided. My view is that the provision of Gypsy encampments fulfils a kind of Parkinson's law: the more sites we have, the more Gypsies appear to fill them. As evidence of that, let me cite a few statistics. When the Labour Government passed the Caravan Sites Act 1968, they conducted a census and concluded that there were about 3,000 Gypsy caravans in England and that it was right that we should provide 3,000 pitches for them to go to. We did so; indeed while the Act was in place, we provided not 3,000 but a total of 7,000 pitches—some two and a half times the number required. Theoretically, that should have meant that all the Gypsy caravans in England were more than happily accommodated, yet by the time that the Conservative Government repealed the Act in 1995, there were 12,614 caravans in England, more than half of which were illegally parked. By July 2007, 17,134 caravans had been counted in England. We went from 3,000 to 12,000 to 17,000 caravans.

The paper produced by the independent taskforce says that it does not know how many Gypsies there are in England; estimates vary enormously, from 82,000 to 300,000. Incidentally, that paper gets the count of caravans wrong. It says that there were 16,000 caravans at the time to which I referred, so the authors get their statistics

wrong in the introduction to the Government paper. I am not sure how their statistical analysis can be relied on beyond that.

We believe that there are very substantial numbers of Gypsies around. The number seems to increase exponentially. We have gone from 3,000 caravans in 1968 to at least 17,000 caravans today, with possibly up to 300,000 people living in them—an astonishing series of figures. The provision of sites—I think that there are now about 12,000 pitches in England—has done nothing to accommodate them. In other words, the more sites we provide, the more Travellers appear.

That brings me back to my original point about who these people are. Quite a significant number of them are new age travellers of one kind or another—people who have chosen to live a nomadic lifestyle, rather than having been born into it. In philosophical terms, perhaps one should consider whether it is right that society is required to provide, at large public expense, sites for people who have chosen to go and live in broken-down old buses around our countryside. I am not certain that that is something that the taxpayer would necessarily ask us to do.

All of that is without considering how many Gypsies around the world may be considering coming to this country. This is how the people who produced the paper went about their business: they put their finger in the air and came up with an imaginary number, then local authorities were required to provide sites for that imaginary number of people. That is like asking how many people are living in Europe today, how many might want to come and live in England and therefore how many new houses we should require local authorities to build for them. It is an absurd calculation and it should not be done; it should be done precisely the other way around. We should be saying to local authorities, "It is your duty to provide for people of a settled disposition, just as it is your duty to provide for people of a travelling disposition. If you don't—if you provide too few sites—then come the next district council election or unitary council election"—as is the case in Wiltshire—"the people of your area will judge you on your ability as councillors to have carried out your statutory duties." We should be working from the bottom up—with councillors being given the responsibility to do those things—rather than working from the top down, which is absurd. In concreting over the countryside, as the Government are requiring local authorities to do to provide sites, they are also concreting over local people's opinions on the subject.

I look forward to hearing from my hon. Friend the Member for Beckenham from the Front Bench shortly. In 1995, while we were in government—I declare an interest: I was special adviser to the Secretary of State for the Environment at the time, which is why I take a keen interest in these matters—we did, after all, abolish the requirement on local authorities to provide sites. Let me talk about what might happen in the event that there is a Conservative Government two years from now. Who knows? I suppose that that is at least theoretically possible. I would not want to offend the Minister by putting it any more strongly than that.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright): It is only theoretical.

Mr. Gray: Theoretically, if there were to be a Conservative Government two years from now, I would very much hope that we would once again say to local authorities, "We in government will not take a centralist approach to making provision for Gypsies and Travellers. It is you, the local authorities, whose duty it is to house the homeless, which you do extremely well by and large across the nation, and it is your duty to provide suitable accommodation for those Travellers in your area." There is no reason why we should provide Traveller accommodation for people from outside the area. We want to provide proper accommodation in the proper place for Wiltshire Gypsies, but not for Gypsies from elsewhere.

I look forward to hearing how the Minister will try to answer some of the statistical points about the need for Gypsy sites and the points about the way in which they are provided. I also look forward to hearing from my hon. Friend the Member for Beckenham. I hope that I can tell my constituents in North Wiltshire that two years from now there just might be a glimmer of light at the end of the tunnel.

2.55 pm

Mr. Michael Ancram (Devizes) (Con): I congratulate my hon. Friend and neighbour the Member for North Wiltshire (Mr. Gray) on securing the debate. I think that he is being unduly cautious in his political calculations about the future. I would be rather more bullish than he has been. However, we are talking about the present rather than the future, and I congratulate him on the way in which he presented his case. He said much of what I would have wished to say; I will not repeat his comments, but will just add one or two of my own.

On the question of figures, I am highly suspicious of Government predictions for the number of people coming into this country, and I have a right to be. I was my party's Front-Bench spokesman when we considered the European accession treaty—a slightly different context. We talked about whether we should do what the Germans and French had done and place a seven-year restriction on the numbers of people who could come from within Europe to this country. The then Foreign Secretary, who is now the Secretary of State for Justice and Lord Chancellor, assured me that the Government had done a firm calculation and that only 13,000 people were going to come as a result of the accession treaty. However, according to the last figure I heard, it was about 750,000, so I think that I have a right to be suspicious of Government predictions.

This is the nub of our argument. None of us disagrees that there is a need to provide adequate accommodation and sites for the travelling people who are in this country and who belong to this country, but there is always the danger that if we overdo it, we are offering an invitation for more of those people to come from abroad to take advantage of it. That has happened, as we know, in the employment market and it could equally happen in the travelling population.

I am very careful when talking about this issue, because it is emotive. I shall make just one or two comments and I will do so on the basis of experience. For four years, I was the Minister responsible for the environment in Scotland, in charge of our policy on travelling people, at a time when there was a requirement,

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as my hon. Friend the Member for North Wiltshire said, to provide accommodation. I learnt certain lessons from that experience. The first was that it is vital not to impose sites for travelling people on areas that simply will never come to terms with them. We made that mistake. We all went around saying, "Ah, but you know, in a year or two everybody will be used to it," but my experience was that they did not get used to it. If sites were in the wrong place to begin with, they remained in the wrong place, and instead of providing a reasonable environment for the travelling people on those sites, we provided a hostile environment because the local people never came around to the idea of their presence.

I am in an interesting position because although none of the sites that my hon. Friend mentioned is in my constituency, one of them is across the road from a lot of new houses in Calne—he mentioned the town meeting in Calne. Those houses have been built to try to restore some of the prosperity of a town that has suffered badly over the years. At the very big meeting last night, there was hostility. I am told that it was a meeting at which there was no meeting of minds, and judging by the detailed account that I had this morning, it was certainly not what I would call consultation. If part of the policy of the local council, or the policy of the regional assembly or, indeed, the overall policy of the Government is to disregard that hostility, it will build into that area a social problem and an economic problem that will not go away. We will not have served the travelling people well by doing that.

There is another aspect to the matter. I am receiving a lot of complaints from people in that area about how the value of the houses that they have bought is falling because of the housing market at the moment. That is fairly general. The one thing that we know from experience is that putting a Traveller site in the wrong area, perhaps alongside newly built houses, tends to bring down house values. People have been writing to me saying that they are already being hit on house values and face the possibility of negative equity, and that the chances are that the problem will get even worse. Those are the issues that need to be taken into account.

The last point that I want to make it this: travelling people are travelling people because they want to travel. That brings me to another of the lessons that I learnt when I was in charge of this matter in Scotland. The Government provided sites, and as Minister I used to visit them. If I went in the winter, they were reasonably full; if I went in the summer they were empty. Why? Because the people on those sites wanted to travel. Their whole culture was about travelling. Providing the sites did not remove the problem of travelling people in the summer, as they were still on the roads looking for places to park. I suddenly realised that that arid policy was never going to achieve its purpose. I fear, given what we have heard about the regional spatial strategy and from the regional assembly, that we are about to make the same mistake again.

I fully endorse what was said by my hon. Friend the Member for North Wiltshire. In Wiltshire, we have a reasonably stable Gypsy-Romany population. I have some of them in my constituency; I know them. They are equally alarmed at the prospect of provision suddenly being made that will bring a totally different type of travelling people into the area. They know that if the problems that I foresee come about because of the approach that is taken, the relations that they have created with their local communities will be damaged vicariously.

I urge the Government to consider closely the requirement for regional assemblies or councils to provide that type of site. We are not looking at a short-term measure, but at something that could have a very long-term consequence. It would damage the lives not only of the Traveller people themselves but of the communities upon whom they might be imposed.

3.2 pm

Dr. Andrew Murrison (West Bury) (Con): I congratulate my hon. Friend the Member for North Wiltshire (Mr. Gray) on introducing the debate. It is an emotive subject, and he discussed it in a balanced and thoughtful way. It seems to me that the debate revolves around planning law and the importance of an even playing field and proper assessment of need.

Before debating any of that, however, we need to discuss definitions. My hon. Friend did so very well. The Government clearly feel the same way because their Task Group on Site Provision and Enforcement reported in December last year, saying that

> "Ministers should meet Gypsies and Travellers to discuss their concerns about the different definitions of Gypsies and Travellers used for planning and housing purposes."

That is absolutely right. It will be interesting to hear from the Minister about those meetings and what definitions were forthcoming as a result.

Like my right hon. and learned Friend the Member for Devizes (Mr. Ancram) and my hon. Friend the Member for North Wiltshire, I have met Romany Gypsies in my constituency and spoken with them. They are indeed concerned, as my right hon. and learned Friend pointed out, about being lumped in with other Travellers, particularly what I might call the new-age type of traveller and those who could be described as urban drop-outs. Romanies rightly maintain that they are a distinct ethnic group, and they are recognised as such. They have distinctive family traditions, and they maintain a nomadic way of life. In Wiltshire and elsewhere, they are a settled part of the rural scene. Over the centuries they have often been vilified, but nevertheless they are part of that scene. In Wiltshire, they are a well accepted part of it, and they are most welcome.

We need to realise that the travelling lifestyle is quite costly. In 2006-07, the Department for Communities and Local Government made £56 million available and, in its report of December 2007, the Department said that it was apparently on course to yield 450 additional pitches. If you are generous and round that up to 500 pitches, it comes out at £112,000 a pitch—a large sum, particularly in the context of the debate in my constituency about the provision of low-cost housing for rent. Given that we are talking about large sums per unit, we need to be certain that the needs assessment has been done correctly.

Mr. Gray: I do not want to embarrass my hon. Friend by correcting him, but I think that he put the zero in the wrong place. If there were 5,000 pitches, it would work out at £11,200 each, but it is still an awful lot of money.

Dr. Murrison: I am grateful to my hon. Friend, but my information came from a Library note on the subject. We could debate the matter further, but as he says, it is a significant sum. The point that I am trying to make, rather than debating absolute sums and comparing them with the cost of providing low-cost housing for rent, is that even thought it is a substantial amount, we need to ensure that needs are properly met.

We have the testimony of members of the Gypsy or Traveller community. One Wiltshire Traveller is on record as saying that

"The whole point of being travellers is to have freedom over where we stay and this is something the council don't seem to understand."

That, of course, underlines the point made by my right hon. and learned Friend the Member for Devizes. It seems that the need is not necessarily being addressed. We should also debate the difference between needs and aspirations, which is important for the reasons so graphically illustrated by my hon. Friend the Member for North Wiltshire. We need to consider people's wishes about who they might want to be living next door in a settled way. It is important that we consider that point.

Travellers as a group have a reputation for being somewhat uncomfortable and uneasy neighbours. They are characterised as being likely to leave in their wake some degree of mayhem and squalor—frankly, they are seen as a burden. They are often attended by a reputation for criminality, but as we heard today that is unfair and misleading. It is a tribute to the easy-going and generally permissive nature of our settled population that we accommodate that sometimes somewhat challenging way of life. It is absolutely right that we should do so.

However, the law is the law. The frustration that many of our constituents feel, particularly about planning law, is caused by the fact that there appears to be an uneven playing field. That is clearly wrong. We need to ensure that the law applies equally to all. The representations that I have received from my constituents on the matter suggest that there is a perception that undue favours are being given to the Traveller population and that illegal encampments can sometimes perversely be rewarded, perhaps implicitly, by the type of provisions that we are discussing today—provisions that may or may not adequately reflect the needs of the Traveller population.

3.8 pm

Lembit Öpik (Montgomeryshire) (LD): I, too, congratulate the hon. Member for North Wiltshire (Mr. Gray). From time to time, he is also an hon. friend. We have been brothers in arms more than once.

Mr. Iain Wright: Tell us more.

Lembit Öpik: It is none of your business. I am sorry, Mr. Chope, but it is your business; I meant that it is none of the Minister's business. I shall tell you later.

The hon. Member for North Wiltshire raises an interesting matter, one that was raised in a recent debate in relation to another part of the country. I listened with great interest to what was said by the right hon. and learned Member for Devizes (Mr. Ancram), a man with governmental experience on the subject in Scotland. I also enjoyed the contribution of the third of this triumvirate of Conservative speakers, the hon. Member for Westbury (Dr. Murrison).

Call it what you will—a lifestyle choice, a tradition or an ethnic group—the Gypsy community is easy to define and is an established part of British life. Unfortunately, Gypsies suffer the poorest life chances of all ethnic minority communities. On top of that, community tensions, which have already been alluded to and do not need repetition, can be associated with the location of Travellers.

Access to public services, including education and health, continues to be an issue. There is also a prolific number of illegal sites, and that is the issue at the heart of today's debate. Such sites are difficult to control, and moving Gypsies on simply decreases their quality of life, which is already low. At the same time, Conservative and, indeed, Liberal Democrat local authorities oppose the six proposed sites in Wootton Bassett, Chippenham, Calne and Corsham because of the lack of consultation. The hon. Member for North Wiltshire has already covered those points, so I can spare hon. Members the arduous task of listening to them being repeated, as things unfortunately often are in these debates.

The hon. Gentleman made the interesting observation that it was a Conservative Government who removed the duty on councils to provide statutory Gypsy sites, but I take a different view of the matter. Between 1994 and 2000, 49 caravan sites were closed, and those closures have contributed to the current situation. They have tended to result in land being acquired or used, as well as in trespassing, and it costs the police £18 million a year to deal with that. Today's debate is not particularly about the decisions that a Conservative Government made 13 or 14 years ago, but there is a constructive debate to be had about the issue. On another occasion, we could perhaps consider whether the Government should have greater responsibility for requiring mandatory sites to be established.

Mr. Gray: The hon. Gentleman is indeed my friend, as is the Minister—in fact, we had lunch together yesterday. So all of us in the Chamber are friends.

Mr. Iain Wright: Don't tell everyone.

Mr. Gray: The hon. Member for Montgomeryshire (Lembit Öpik) is confusing two or three things. The abolition of the Caravan Sites Act in 1995 removed the requirement on local authorities to provide sites in answer to further demand. The 49 sites that have been closed have therefore been closed because of lack of demand or because they were past their sell-by dates. Furthermore, the £18 million to which the hon. Gentleman referred represents the police costs involved in moving on illegally parked Gypsies. That is an enforcement and planning cost and has nothing to do with the repeal of the 1968 Act.

Lembit Öpik: On the first point, I am grateful to the hon. Gentleman and I am pleased that I have not pushed too hard on the issue. I have been looking at this field of legislation this week, so I will hold fire until I have finished reading about it and I will take in good faith what he says. However, the second point is related to today's debate, because the £18 million is connected with the issue of Gypsy sites. It represents the cost that we have incurred by not having a particularly sustainable strategy for dealing with sites. The biggest shock in

[Lembit Öpik]

what the hon. Gentleman said, however, was his revelation that he had had lunch with the Minister. The Minister was very coy about that, and, frankly, I am shocked. I expect a similar favour at some point, as long as it is worth less than £500, so that I do not have to put it in the Register of Members' Interests.

Authorised sites are vital for community cohesion, and that has a bearing on the bill to the police. If we have fewer unauthorised sites, enforcement is easier for local authorities. Authorised sites also ease community tensions, as long as there is proper consultation. In addition, managed authorised sites allow for easier access to public and financial services, which would improve the quality of life of Travellers.

Authorised sites could also have the interesting financial consequence of enabling councils to force Gypsies to pay council tax. There are issues with that, but the underlying point is that authorised sites need not be free and could be maintained by rents and licence fees. Local authorities do not even need to buy them.

The numbers of authorised caravan camps have decreased, and about 90 per cent. of planning applications by Gypsies are refused, which is one reason why they end up camping illegally. At the macro level, therefore, there are strategic questions to be answered. Perhaps the Minister can shed some light on how Government policy will become more sustainable. He alluded to that in our previous debate in this Chamber, but perhaps he can tell us more about it.

I should tell the hon. Member for North Wiltshire that I am very familiar with Romania, which is a country that I love—*[Laughter.]* There is an individual Romanian that I love, too. On all the occasions that I have been there, however, I have never seen a long queue of caravans waiting to come to North Wiltshire at the first sign of an increase in the number of authorised sites.

Nevertheless, I must sympathise with the hon. Gentleman because his constituency appears to be bearing the brunt of the regional spatial strategy. The plan is to increase the number of Gypsy encampments by 15 per cent. in the south-west, but by 50 per cent. in North Wiltshire. There is no reason based on natural justice why that should happen. We must ensure that the distribution of sites across the region is even and fair. The Minister is obliged to explain to the hon. Gentleman how the Government have allowed this situation to come about and, more importantly, what action they will take—probably in partnership with local authorities—to ease the pressure on his constituency. The current proposals do not make sense and are bound to increase local tensions.

Was there a lack of consultation? Gypsies must be involved in finding an alternative site, but so must the local community. A huge number of residents attended the meetings in Wootton Bassett this month and last month and signed up to the six-week consultation, which suggests that consultation has not been extensive enough.

There seem to be double standards regarding the Lindisfarne proposal. I understand—the hon. Member for North Wiltshire can confirm whether this is the case—that residents were told that the area was a conservation site. Those who had tried to extend their gardens were denied permission to do so, but were then told that the area would be proposed for use as an authorised camping site. If that is the case—I seek his guidance on this—it is hardly surprising that there are tensions.

Mr. Gray: The hon. Gentleman makes a good point and he is quite right about the Lindisfarne site. I have gone to great lengths to avoid arguing for or against any of the six sites that are being consulted on, and there are good reasons for saying that none of them is the right place to put a site. The report that proposed them came up with the wrong sites; it should have come up with sites in the middle of the countryside, not ones that were attached to towns, as all the proposed sites are.

Lembit Öpik: Given the sensitivities in the hon. Gentleman's constituency, I fully understand why he has taken that sensible view. I used the Lindisfarne example simply to demonstrate the contradictory messages that are being put out, with the unsurprising consequence that there is resentment among local residents, who do not feel that the system is fair.

I have looked into the cost of eviction, and it is obvious that the benefits of authorised sites far outweigh the cost of creating them. The £18 million that the police have spent on eviction is part of that cost. As I mentioned in our previous debate, Bristol city council reduced its annual enforcement costs from £200,000 a year to £5,000 a year by providing a £425,000 authorised site. Moving Gypsies several times over is expensive and serves only to increase problems. The evidence shows that having authorised sites not only represents a tension-reducing strategy, but leads to a cost saving.

Authorised sites would also assist the police in monitoring and enforcing the law. All of us who have looked at the issue will be aware of the Stanley park incident. As a result of the absence of an authorised site, Gypsies ended up disrupting a football game that had been scheduled for the youth teams at Stanley park. The police reached an accommodation with the Gypsies, but it should not be for the police to make such tactical decisions; the regulatory framework should provide us with reliable solutions, so that things do not reach that stage.

I have mentioned the idea that authorised sites would encourage more Gypsies and Travellers into the country, but I think that it is unfounded. What is actually happening is that people from unauthorised sites are gravitating to the authorised sites that have been established. However, the same issues affect countries across Europe. Perhaps the Minister can comment on what we can do Europe-wide to deal with the issue. He will know that things have got far worse in other countries. In Italy, caravans just outside Rome were actually set alight by the local community. These issues are not, therefore, unique to Britain.

The existence of Gypsies is nothing new. The Gypsy lifestyle is rather more traditional than having a flat in London. In that sense, Gypsies have every reason to be respected and to expect facilities to be made available so that they can pursue their lifestyle. As the hon. Member for North Wiltshire quite rightly said, these are not horrible people. They are lovely people who have a breadth of experience and culture that serves to add to the social fabric of the country and not take away from

it. However, there must be sufficient force in the regulatory system to make them responsible citizens. Authorised sites would allow the police and local government to create a partnership that is sustainable in the longer term. It would also allow the police to act swiftly in cases of trespass rather than face the delay that weakens the case for prosecution, as was made clear in the Stanley park incident. Some £18 million a year is spent in pointless enforcement costs. That money could be much better used in other ways.

In conclusion, I ask the Minister to comment on the very good points made by hon. Members today and to indicate whether he intends to consider the issue on a pan-European basis, because there is a degree of migration from one country to another. Such consideration would help us to see whether best practice in other countries could be reapplied here.

3.20 pm

Mrs. Jacqui Lait (Beckenham) (Con): It is with some trepidation that I tiptoe into this male bonding session. I congratulate the hon. Member for Montgomeryshire (Lembit Öpik) on his experience in Romania. I also congratulate my hon. Friend the Member for North Wiltshire (Mr. Gray) on obtaining this very important debate. The issue of Travellers applies not just to Wiltshire, but much more widely. It even affects—dare I say?—someone who represents a London constituency because we also have a travelling population. The borough of Bromley has long been the home for the showmen during the winter, and they are a key part of the travelling population. So, we, too, in London have our experiences. I have visited a Travellers' site in Lewisham. Getting the amount of caravans on to that site was a miracle of engineering. It was exceedingly tight, but they managed it.

My right hon. and learned Friend the Member for Devizes (Mr. Ancram) also made a contribution, telling us about his very deep experience of Traveller sites in Scotland. His points were valid because they can also be applied to England. My hon. Friend the Member for Westbury (Dr. Murrison) made a helpful contribution about costing and the imposition of costs on council tax payers.

I have great sympathy with those hon. Members, including my hon. Friend the Member for North Wiltshire, who have illegal encampments in their constituencies. From time to time, many of us have suffered from such encampments and experienced the ugly scenes when Travellers resist being moved on. Some have experienced the difficult situation in which Travellers have to be moved on because they are causing a nuisance within the local community.

I hope that my hon. Friend will be relieved to hear that when we are in Government, which will be sooner rather than later, we will conduct a review of the Human Rights Act 1998 and apply it to the situation of Travellers to ensure that the planning laws are applied equally across the population. I hope that that small assurance will be useful to my hon. Friends.

The comment was made that so much of this matter is down to planning law. Therefore, we will also deal with the issues to do with that law. As my hon. Friends know, we abhor the top-down imposition of targets, whether they relate to Traveller sites or the increase in the number of houses that we have to provide. We will get rid of the regional spatial strategies and we will ensure that local councils and local communities are on top of the development of their community so that it suits them rather than the Government.

I, too, will join the calls from everybody on the Opposition Benches for an explanation of how the Government have reached their target figures and how they have imposed them through the regional spatial strategies. I must warn my hon. Friends that, when the Housing and Regeneration Bill goes through, the regional assemblies will no longer have power over housing numbers. Because a number of councillors were nominated on to those regional assemblies, there was an element of democratic responsibility. However, that will go and the power will be handed over to the regional development agencies. The planning powers will also go with it under the new Planning Bill, unless we can bring it to a grinding halt, hopefully in the Lords—the Minister may like to take that point on board. We will see completely unelected quangos imposing housing and planning targets on unwilling populations.

My right hon. and learned Friend, who made the point about the Traveller sites being in entirely the wrong place, will know very well that, when we have the centralised target-driven system, the chances are that the site will be in the wrong place. Since the 1960s, we have been grappling with developments that have been in the wrong place, whether they are Traveller encampments or town centres. That has had a very negative effect on many of our communities, and we want to see that changed. However, we are convinced that the Government's proposals for centralised control will not achieve what they want to achieve. Sullen resentment is possibly the best way to describe the mood. Potentially, we can see a very inflamed situation. The meetings held in my hon. Friends' constituencies provided an indication of how inflamed the population can be about the wrong sort of proposal and consultation.

We also plan to make intentional trespass a criminal offence. We believe that it changes the balance of law in a way that offends a local community. It gives rights and responsibilities in a way that is unacceptable to the settled community.

We also want to stop irresponsible land speculation. By that I mean the movement on to a site over a weekend, and the instant digging for drains, standpipes and electrical supplies. Again, that outrages the local community and, in turn, ensures that it will not accept a group of Travellers. Therefore, we have to ensure that, if we are going to see a travelling population that has a settled relationship with its local community, the local community is accepting of the Traveller population as much as the Traveller population wishes to settle, even temporarily, in one place. As was so wisely said, Travellers travel and they will not necessarily be on a site permanently.

Crucially, when we come into Government, we have to ensure that it is local people and local councils who feel in control of the provision of sites. As has been said, in Wiltshire, there is an acceptance of Travellers. There is an appreciation of what they add to the local community and culture. Therefore, if the proposal is accepted locally, consulted on properly and if the site is properly positioned and considered, one can see the local community accepting a proper settled Travellers' encampment. However, if the will of local people is not

[Mrs. Jacqui Lait]

there, I foresee a continuation of the problem. There will be hostile receptions—I saw this myself when I represented Hastings and Rye which has a number of travelling communities—and it could potentially lead to violence on both sides. That is completely unacceptable in the kind of world that we wish to live in.

I congratulate my hon. Friend once again and I hope that my brief comments help in his constituency.

Mr. Gray: There is plenty of time for the Minister to expand on the subject at length so we need not worry too much about delaying the start of his speech. Will my hon. Friend be a little clearer? In informal discussions, my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles), the shadow Secretary of State, indicated that he would seek ways in which to remove the requirement on local authorities to provide permanent Gypsy encampments that are not desired by local people; in other words, to leave it to local councillors to decide whether to provide such sites. I think that my hon. Friend the Member for Beckenham was saying the same thing but, for those in Wiltshire who are watching this debate, will she be absolutely clear and precise that we will remove that requirement when we come to power?

Mrs. Lait: I am happy to clarify that. It is easy to fall into jargon, but merely abolishing the regional spatial strategy indicates that there will be no top-down targeting or pressure on councils to provide a set number over which they have no control. I am sorry that I used jargon—we all know who is to blame for it, and it is not those on our side of the Chamber. I reassure my hon. Friend that councils will be in control of the process. Indeed, it will be a challenge to councils to initiate and involve people, so that they can develop a vibrant community that will allow all groups and people to live together in harmony. That will be a big challenge, but I am sure councils will rise to it if they feel that there is virtue and value to their community for so doing.

I commend my hon. Friend for initiating the debate and I hope that my few words have been of some help.

3.32 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Iain Wright): It is a pleasure to serve under your chairmanship once again, Mr. Chope—it is always good to see you.

I congratulate the hon. Member for North Wiltshire (Mr. Gray) on securing the debate and those who spoke on their contributions. I am delighted that the hon. Gentleman secured the debate because it gives us the chance to debate Gypsy and Traveller policy for the second time in less than a month, following the enjoyable and important debate on 22 May on the provision and enforcement of Gypsy and Traveller sites to which I and the hon. Member for Montgomeryshire (Lembit Öpik), among others, contributed.

I shall begin as I did in that debate by talking about the importance of responsibility. Let me dispel the myth that has been mentioned a number of times today and that is perpetuated in some quarters that there are somehow strict laws in place for the settled community and a laissez-faire attitude to the Gypsy and Traveller communities. That was mentioned by the hon. Member for Westbury (Dr. Murrison) in his first-class contribution. Let me put the record straight: everybody in this country lives under one set of laws. Our expected standards of behaviour extend to everybody in society, not just a narrow or selective band. A range of powers are in place and are available to landowners, local authorities and the police to deal with unauthorised encampments.

Mr. Gray *rose—*

Mr. Wright: Let me finish this point. We have strengthened police powers to tackle unauthorised encampments and offered clear guidance to local authorities on how to use them. We are currently preparing guidance for publication later this year on how those powers can be used to tackle situations in which Gypsies and Travellers are responsible for, or victims of, antisocial behaviour. I hope that we can get away from the myth that there is one rule for one and one rule for another.

Dr. Murrison: I am sure that the Minister is correct—of course we all exist in the same legal environment. Nevertheless, he is surely not suggesting that the public perceive that there is a level playing field. If he is, he is wrong. What is he going to do to change that perception?

Mr. Wright: I shall come to the point on planning law that the hon. Gentleman made in his contribution. Let me clarify things for the record: Gypsies and Travellers are treated exactly the same as other members of society under planning law, and they are expected to obtain planning permission before starting development. I know that there are cases in the real world in which that does not happen, and I will expand on such situations later.

Mr. Gray *rose—*

Mr. Wright: I shall finish this point before I give way. Circular 106 does not give Gypsies and Travellers special treatment. The main theme of my contribution is that local authorities assess the housing needs of the settled community, so it is only right and proper that they also assess the housing needs of Gypsies and Travellers.

Mr. Gray: If the Minister is right that planning law treats two people in precisely the same way, will he explain why the planning inspector, speaking on behalf of the Secretary of State, has said that the Gypsies who are illegally camped on their own land at Minety in my constituency can remain unless the district council provides accommodation elsewhere, whereas, just down the road, an organic farmer who currently lives in a caravan on 30 acres of organic farm, has been told that, unless she removes the caravan immediately, enforcement procedures will follow and that she cannot appeal the decision? That demonstrably is not a level playing field. The Human Rights Act 1998 is relevant here: the people in the Gypsy caravans have human rights, but the organic farmer who is being evicted does not.

Mr. Wright: I do not know the circumstances of the two cases to which the hon. Gentleman refers. As he will appreciate, it would be entirely wrong of me to comment on something when I am not aware of the situation. Suffice it to say that there is one rule for all, and we must abide by it. I am not in a position to discuss the circumstances that he described.

Mr. Gray: I was using those cases as an example. Will the Minister send a message to the inspector who is sitting in Chippenham on 8 July to consider the Minety Gypsies? The Minister said a moment ago that the inspector must consider their rights, duties and responsibilities in precisely the same way—no difference of any kind whatever—as he would those of a member of the settled community who is in a similar position. We will give the *Hansard* report of the debate to the inspector on 8 July, so will the Minister confirm that he must consider the Minety Gypsies in precisely the same way as he would consider any other person who parks a caravan illegally on their own ground?

Mr. Wright: The policy framework that we have put in place means that a local authority assesses in a strategic, considered and—crucially—evidence-based way the strategic housing needs of their area, which include the accommodation needs of the Gypsy and Traveller communities. That is exactly the right approach. That is how we should proceed regarding local development frameworks and higher up in the regional spatial strategies. I do not wish to be drawn further on the details of the case.

Mr. Gray: The Minister is extremely generous in giving way, but he has answered my question in a completely different way. His point was that, under planning law, people of a travelling disposition and those of a settled disposition must be treated identically. When challenged on that with regard to the inquiry that is coming up on 8 July, he said that the question of assessing needs is the same whether a person is a Traveller or not. However, I was not talking about assessing needs; I was talking about planning law. I wanted an assurance that planning law, in detail, precisely, applies identically to the Traveller population and the settled population. I ask again: does planning law apply equally to Travellers as to anybody else? The inspector on 8 July will be listening to what the Minister has to say.

Mr. Wright: I will not be drawn into the details. The Secretary of State for Communities and Local Government has a quasi-judicial role with regard to planning, so I will not be drawn into a discussion about what may or may not happen on 8 July. Suffice it to say that, as everybody will agree, there is an urgent and identifiable need for more Gypsy and Traveller sites, not only in the south-west of England, but throughout the country. Successive caravan counts have shown that nearly a quarter of Gypsies and Travellers who live in caravans have no authorised place to live. That is not acceptable, as the hon. Member for Montgomeryshire mentioned in his excellent contribution.

Mrs. Lait: I have no intention of getting the Minister to concentrate on one particular case because I accept that he cannot comment on it. However, I would be grateful if he could tell us what he and the Government plan to do about retrospective planning. Gypsies or Travellers will move on to a site, occupy it and apply for retrospective planning permission, knowing full well that it will be several years before anything can be done and that enforcement will not necessarily follow. That is key.

Mr. Wright: That is an important point. I will come to the general policy framework, particularly in terms of enforcement and provision, in a moment. It is crucial. I hope to be able to address the hon. Lady's points later in my contribution.

Lembit Öpik: Perhaps the Minister's contribution will resolve this matter. He must accept that there is a double standard, albeit for understandable reasons. The travelling community must live somewhere, and faced with the preposterous prospect of trying to move Travellers on indefinitely, the police come to accommodations. The Government's challenge is to frame legislation so that that de facto bending of the rules need not happen, because it serves the travelling community no better than the communities in which they reside.

Mr. Wright: Absolutely. I agree entirely. That was mentioned in our debate on 22 May. I think that we discussed whether it was acceptable for Gypsy and Traveller communities to disregard planning law. I said that it was not acceptable, but that it was understandable given the shortage of authorised sites. It is important that the Government ensure that the policy framework in which all interested parties operate is the correct and appropriate one. The task group chaired by Sir Brian Briscoe, to which I think the hon. Member for Westbury referred, considered that closely.

I do not want to make party political points, but this matter has been mentioned on a number of occasions. It is clear that a great many problems of community tension over unauthorised encampments are consequences of legislation passed by the previous Conservative Government. As has been said on a number of occasions, the legislation removed the duty on local authorities to provide sites for Gypsies and Travellers. Those communities were expected to provide for themselves without any thought for how they might do so. Even those Gypsies and Travellers with the means to do so found that talking to planning authorities led to discrimination, pre-emptive action and ultimately planning refusal.

It is simply no good for politicians or others, whether in the media or elsewhere, to damn unauthorised camps while failing to provide a workable solution. To tackle the problem, we introduced in the Housing Act 2004 a requirement for local authorities to address the reasons for unauthorised encampments and establish pitch needs through the preparation of accommodation assessments for Gypsies and Travellers. Most of the assessments have been completed, and they are beginning to feed into the regional spatial strategy process.

The policy framework established in the 2004 Act was examined carefully by the task group, which concluded that the policies established by this Government were sound, that local authorities had sufficient powers to deal with breaches of planning control and unauthorised developments and that it was right for the Government to place a duty on authorities to identify land. It is vital to have some degree of political consensus on this important and emotive topic, so I was pleased that during the debate on 22 May, the hon. Member for Bromley and Chislehurst (Robert Neill), who led for the Opposition on that occasion, confirmed that there is growing political consensus.

[Mr. Iain Wright]

The hon. Gentleman said that

"there is a sensible way forward through the recognition and identification of proper sites. That is the correct approach for us to adopt." [*Official Report, Westminster Hall*, 22 May 2008; Vol. 476, c. 144WH.]

I suggest, with a hint of cheekiness in my tone, that that approach was also accepted by the hon. Member for North Wiltshire shortly after the enactment of the Housing Act 2004, in an Adjournment debate on the provision of sites in Minety in his constituency.

Mrs. Lait: I suspect—in fact, I know—that the approach taken by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) would be very different from that taken by the Minister. We would not impose top-down provision; we would ensure that local communities themselves make the decision.

Mr. Wright: I will probe the hon. Lady's policy in a moment, if I may, but before I do so, I will quote the hon. Member for Bromley and Chislehurst in the debate from 2004 on gypsy camps at Minety:

"The pattern appears to be that Gypsies do not to want to live on local authority sites, but on land that they themselves own. I rather encourage that. It seems to me to be eminently sensible to encourage them to set up their own sites legally and with proper planning permission. Local authorities ought to set aside and designate land for Gypsy encampments."

That is a particularly important sentence. He continued:

"The Gypsies could then buy that land and put an encampment on it. That seems a sensible way forward, whereas invading a site and then seeking retrospective planning permission will not work." [*Official Report, Westminster Hall*, 10 November 2004; Vol. 426, c. 300WH.]

I am pleased by that sensible approach, but I was somewhat confused by the letter dated 15 May 2008 from the hon. Member for North Wiltshire to Lachlan Robertson of North Wiltshire district council. I hope that the hon. Gentleman will forgive me, but he made the letter public, so I will quote from it:

"The Government have set North Wiltshire District Council an unachievable task, namely to assess the need for such sites…and then to make provision for permanent sites for those hypothetically arriving gypsies."

I fail to see how it is inconsistent for local authorities to set aside and designate sites while assessing the need for such sites and making provision for them. On the contrary, it seems sensible and consistent. I hope that the hon. Gentleman can explain.

Mr. Gray: I shall be delighted to do so. The Minister's special adviser has done a sterling job in digging out ancient quotes that seem to me to be perfectly consistent. What I said was that it is perfectly reasonable for local authorities such as North Wiltshire district council to designate land that Gypsies could buy, so that they could then apply for proper planning permission and put their caravans there. That is absolutely fine. What we do not want is situations such as that at the Minety site, where Gypsies are illegally encamped on their own land. Nor do we want the Government, in the form of the South West regional assembly, saying, "You will take 48 pitches and 200 caravans in North Wiltshire, and you will put them on these sites, and we don't care whether those Gypsies exist or not." The two statements that the Minister's special adviser carefully dug out are perfectly consistent.

Mr. Wright: The hon. Gentleman is far too complimentary. I am too far below the pay grade to have a special adviser. I have to do the research myself, I am afraid. [Hon. Members: "Ah."] The House is very thoughtful.

The hon. Gentleman's intervention touched on a crucial argument in today's debate: that Gypsy and Traveller accommodation assessments and site provision are effectively being imposed on local areas. I disagree fundamentally. The assessments are prepared locally by local authorities. The authorities play a key role, whether individually or in partnership with other local authorities. The assessments are then considered by the regional assembly, which provides a strategic overview of need across the region, but the key part is the assessment and the evidence base of need from the local authority.

The assembly's proposals are then examined in public, which provides interested parties with every opportunity to challenge the number or distribution of proposed sites. I argue vehemently that ours is not a top-down approach. It is bottom-up. It includes a strategic approach from the regional assembly, but it is nevertheless bottom-up and can be challenged in public. That seems fairly clear.

Mr. Gray: I do not believe that the Minister can do what I am about to ask him to do, but if indeed the approach is bottom-up—if it is up to North Wiltshire district council to make the provision that it believes is necessary—will he send a message to the leader of North Wiltshire district council that he does not have to do what the South West regional assembly has told him to do but can make provision now for the Gypsy caravan sites that he believes to be necessary in North Wiltshire? Will he send that message from this debate?

Mr. Wright: I will come to that in a moment. I want to probe Conservative party policy, because it has been touched on. *[Interruption.]* It is an important point, because there is an element of inconsistency. I mentioned the letter written by the hon. Gentleman a month or so ago. I shall quote that letter—perhaps you will forgive the unparliamentary language, Mr. Chope—which states:

"I have had informal discussions with Eric Pickles MP, Shadow Secretary of State for Communities and Local Government"—

the hon. Gentleman mentioned that—

"who has assured me that an incoming Conservative Government will seek to remove the necessity to provide sites of this kind and under these circumstances. It was after all the last Conservative Government who repealed the 1968 Gypsy Caravans Act in 1995. My strong instinct therefore is that the District Council should make representations to the Government that they are unable to comply with this requirement to provide a new gypsy encampment."

That is significant, and it shows a Front Bench pointing in opposite directions. The hon. Member for Bromley and Chislehurst is saying that, ultimately, the present policy framework leads to less tension and better value for taxpayers, while another states informally that he will repeal the legislation—the hon. Member for Montgomeryshire touched on this—which will lead to more tension, more unauthorised sites and more costs for decent hardworking people in terms of enforcement and short-term moving on of encampments. That is not appropriate, and I am happy to seek clarification from the hon. Member for Beckenham.

Mrs. Lait: I am happy to provide that clarification, but we are here to probe Government policy, not Conservative party policy.

There is no contradiction between the statement that the Minister read out from my hon. Friend the Member for Bromley and Chislehurst saying that local councils should provide—we all agree and have said so consistently throughout the past hour or so—and anything that my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) has said. The key that the Minister is eliding over in the statement from my hon. Friend the Member for Brentwood and Ongar is "under these circumstances". Those circumstances are the Government's top-down imposed regional spatial strategy, which produces the local development frameworks, very few of which have been agreed. The requirements of the regional spatial strategy and the local development frameworks imposed on local government is where the top-down implication comes in. It has nothing to do with local councils making their own decisions undriven by the Government.

Mr. Wright: Let me move on to talk about the policy framework and Government policy. There are two days left to contribute to the consultation on where new sites in North Wiltshire should be. I hope that the hon. Member for North Wiltshire and others will take the opportunity to reassert the earlier view that the recognition and identification of sites is just as important in 2008 as it was in 2004. We definitely need that.

The Government believe that everyone has the right to a decent home and a secure and authorised place in which to raise their families. For years, local authorities have assessed the housing needs of the settled population to plan strategically for the future requirements of their residents. That is entirely appropriate.

Local authorities identify land for all uses in their local plans, which are available so that the public can see at a glance what type of development is likely to take place in their neighbourhoods during the coming years. There is no reason why land suitable for use as Gypsy and Traveller sites should not go through the same process. It is not appropriate for housing for Gypsies and Travellers to be treated differently from housing for the settled community.

The policies that the Government have put in place ensure that our record on equality now extends to Gypsies and Travellers through the planning system, as it should. Everyone in our communities, whether they live in a house or on a Gypsy and Traveller caravan site, needs to know that local authorities are planning for the housing needs of future generations. This Government have pledged to deliver 3 million new homes by 2020. The need to provide equality of opportunity for Gypsies and Travellers is tiny in comparison. As the hon. Gentleman mentioned, we are talking about 4,000 pitches by 2011 to accommodate all caravans on all currently unauthorised sites, which means that less than 1 square mile of land is required throughout the country.

The hon. Gentleman commented on the exercise by North Wiltshire district council. I praise the council for taking steps to identify suitable locations to address the need for additional sites within its area. As I hinted, the hon. Gentleman knows that I cannot comment on the proposals, but the council's approach in recognising the need to plan proactively for authorised sites must be the right one in tackling unauthorised sites. That evidence-based approach seems to be entirely right.

I reiterate a point that I made earlier, which is important. Regional spatial strategies should be established using a robust and credible evidence base. The GTAAs to which the hon. Gentleman referred naturally form part of that evidence, but if he or any other hon. Member who has contributed today believes the evidence to be less than credible, I suggest that they make their views known through the statutory consultation process.

Lembit Öpik: I suggest a test for what the Minister said. He claims that the process that he has described will resolve the issues that we are discussing. Is he predicting that the Government's approach will resolve the specific issue in North Wiltshire that has been raised? If so, when will he see the issue resolved?

Mr. Wright: All I am saying is that I think there is a large element of consensus between the hon. Gentleman and me that the identification and provision of authorised sites ultimately improve community cohesion and reduce enforcement costs. Everyone, whether Gypsy and Traveller communities or the settled community, wins through the identification and provision of authorised sites and good management. That seems entirely reasonable, and should be carried out as part of the RSS process through the strategic assessment of need, whether it is housing in general or Gypsy and Traveller accommodation. Again, that seems entirely reasonable and sensible. I hope that the identification and provision of authorised sites will iron out as much as possible some of the problems that have been highlighted today.

The hon. Gentleman also touched on a central point that the hon. Member for North Wiltshire made about armies of people coming from eastern Europe and elsewhere to the newly provided sites. The hon. Member for Montgomeryshire sensibly poured cold water on that, because there is no evidence that armies of Gypsies and Travellers are waiting to migrate to this country as soon as new sites are established.

I emphasise that accommodation assessments are already undertaken for settled housing needs, and it is only right and proper that we also assess the needs of Gypsy and Traveller residents.

Mr. Ancram: If there is no evidence on that account, was there evidence in relation to, for example, the Poles who came here after the accession treaty?

Mr. Wright: That is a wider point that I cannot comment on in three minutes, but it is an important point in terms of immigration policy.

Let me move on to how the situation in the south-west of England relates nationally to the Government's commitment to provide equality of opportunity for Gypsies and Travellers throughout the country. The panel's report recently submitted to the Secretary of State sets out how many new pitches should be provided in the south-west. I commend the work that has been undertaken in the south-west to bring forward the delivery of new pitches so far, and we will publish our proposed changes to the regional spatial strategy in due course.

[Mr. Iain Wright]

We want that progress to be replicated throughout the country. There is an established need for new houses throughout the south-west. It is right, and expected, that they will be provided. It is similarly right, and expected, that the number of new homes required will be carefully and meticulously studied. Regional spatial strategies are to be founded on a robust and credible evidence base, subject to examination in public so that everyone has the chance to comment. That is the process that has been followed in the south-west, enabling all those with an interest to probe or challenge the assessments of the need for more Gypsy and Traveller sites.

I hope that it is clear to the hon. Member for North Wiltshire and others that in this age of equality what is right and expected for members of the settled community becomes right and expected for Gypsies and Travellers too. I started by saying that there is one law for all. Gypsies and Travellers should abide by the planning system. They should apply for planning permission before developing land that they own, and local authorities have swift and appropriate enforcement action to deploy if they do not do so.

We will not see a reduction in unauthorised camping if new sites are not provided to meet the needs of the Gypsy and Traveller communities. The task group stated that, when there is a demonstrable need, local authorities should begin work on identifying sites now. I am glad that in the south-west the regional spatial strategy is close to concluding how many pitches should be provided. It will then be for local authorities such as North Wiltshire to ensure—not by a top-down approach—that they provide homes and accommodation for those who need them most.

3.59 pm

Sitting suspended.

Crimestoppers (Great Yarmouth)

4.30 pm

Mr. Anthony Wright (Great Yarmouth) (Lab): It is a pleasure to serve under your chairmanship today, Mr. Chope.

I am certainly pleased to have the opportunity to debate this subject, although I do not think that it will be very contentious. It will probably be one of the easier debates for the Home Office to respond to, because the subject is one deserving of celebration rather than one that requires the Home Office to intervene or take any particular action.

As I say, I am pleased to have secured this debate. Although the subject is Crimestoppers in Great Yarmouth, this is really a celebration of the fact that the nationally recognised and successful Crimestoppers scheme started in Great Yarmouth some 25 years, on 24 June 1983; the exact anniversary is next Tuesday. The scheme was started by Detective Inspector Mike Cole and was ably supported by the then manager of the Woolworths store in the town centre, Jim Carter; both of them are visiting Westminster Hall today to enjoy the celebrations of what was achieved in Great Yarmouth.

I want first to express my appreciation for the initiative, which, as I say, was taken by Mike Cole and Jim Carter to start the scheme. I would also like to mention the then local chief superintendent, Peter Howse; the then chief constable, George Charlton, and the late Peter Ware, who was the editor of the *Yarmouth Mercury* at that time. Each of them had their own input and helped to make such a success of the new scheme.

It is only fair that we look at the humble beginnings of the scheme, which were in another country, where the idea first came about to encourage members of the public to give information on suspected criminals. The scheme started in Albuquerque, New Mexico, in 1976. A young man had been shot dead during a robbery at a filling station, and having made little headway in finding the perpetrator, police decided to set up an anonymous phone line for witnesses to come forward with information. Within 72 hours, arrests were made, but what amazed the New Mexico police was the number of people giving information on other, unrelated crimes. The Crimestoppers concept was born.

It was another six years before a youthful Detective Inspector Mike Cole was on a police visit to Peoria, in Illinois. He took a particular interest in the scheme that was being run by a sergeant in the community relations department. Working from a dedicated room, the sergeant was taking information from the public about crimes. The difference was that this information was given anonymously, and callers giving information that led to an arrest put themselves in line for a reward payment from money donated by local businesses. That was Crimestoppers Illinois-style.

Mike Cole was so impressed by the scheme and its results that, on his return to Great Yarmouth, he submitted a report daring to suggest that it be tried out in the town. Both his chief superintendent and the chief constable gave their approval. However, it was by chance that Jim Carter, the manager of the local Woolworths, who had been in that post for only about a year, received a letter from Chief Superintendent Peter Howse asking for

support. The bottom line was that both Mike and Jim saw this scheme as an opportunity to get the community involved in crimefighting.

At this juncture, I want to take time out to pay tribute to another of my constituents, Carol Saldinack, who I am sure some people will have heard about from the media. She was the lady who reported her two sons to the police for their vicious attack on a father of two from Chichester. She reported them because she saw it as the right thing to do. Although she was not able to have anonymity—indeed, she did not want it—her action does give us hope that there are people who recognise that it is not the job of Government or the police alone to catch criminals; we all have a responsibility. I have met Carol and she wants to continue getting the message out about the need for all of us to take responsibility. If that means using Crimestoppers as a way of giving information anonymously, that should be encouraged.

Returning to the road that led to Crimestoppers, the next step was to convene a meeting of all the local businesses and, of course, the media in Great Yarmouth. Peter Ware, who was the editor of Yarmouth's local paper at the time, was on board from day one, giving the required space in the paper to fuel the Crimestoppers trial. The local business community willingly donated some cash and then £10 per month into the Crimestoppers account.

The scheme was officially launched on 24 June 1983 and the anonymous calls came in to a collator's office from 9 am until 5 pm, with an answer machine taking calls outside those hours. Once any information was received, the real police work began, with police gathering their own evidence, because anonymous information never could and never should be treated as evidence to be put before a court.

The scheme was a huge success and it had a positive effect on the crime figures. Other forces took a keen interest, and it was not long after officers from the Metropolitan police visited Great Yarmouth that the scheme went nationwide. Recalling the visit by the Metropolitan police officers, Mike Cole said:

"I was in the office one day when the switchboard said they had two superintendents from London in the front office. Their names were Harley and Street, so I thought it was a wind-up, but it was on the level."

Thus, the scheme began in what Jim Carter described as

"the sleepy backwater of a Norfolk seaside town."

Just four years later, Crimestoppers began to expand, with Thames Television adopting the idea and promoting it in the capital. Locally, the next huge step was the involvement of Anglia Television in promoting Crimestoppers throughout the Anglia region. The irony is that the then head of programming at Anglia, Jim Wilson, went on to become chairman of Norfolk police authority and of Anglia Crimestoppers.

From humble beginnings in Norfolk, Crimestoppers has spread to every part of the British isles. The essence of Crimestoppers has never changed. Mike Cole and Jim Carter feel very proud—quite rightly, in my opinion—to have been in at the start of one of the country's best crimefighting initiatives. They still recall those early days when the rewards were paid out under the town hall clock. I do not know whether they had to wear a red rose for identification, but I do know that this wonderful scheme is a huge success story. Great Yarmouth should be proud of having been in at the start.

Having looked at the scheme's humble beginnings in Great Yarmouth, I shall look at some of the successes of Crimestoppers nationally over the last 25 years, up to the present day. After its infancy in a single Great Yarmouth office, operating from 9 to 5, Crimestoppers now has 39 regional boards across the UK, Channel Islands and the Isle of Man. In its first year as a national venture, it received fewer than 5,000 calls; last year, it received more than 80,000 calls.

As well as its network of permanent staff, Crimestoppers has more than 400 people volunteering in their spare time to help to fight crime, and it is supported by a 24-hour call centre, ensuring that calls can be answered around the clock every day. With this supporting network, Crimestoppers has been no small success. Since the scheme went national in 1988, 84,000 arrests and charges have been made; nearly 1 million actionable calls have been received, and as a result, more than £100 million-worth of goods have been recovered and more than £145 million-worth of drugs have been seized. To put those impressive figures into context, some 17 people are arrested every day as a result of information given to Crimestoppers. In addition, every five days one person is charged with murder as a result of information given to Crimestoppers.

Following on from these impressive successes, Crimestoppers is now a leading player in a number of successful crime reduction partnerships. Teaming up with the Child Exploitation and Online Protection Centre, Crimestoppers has been a partner in "Most Wanted", an initiative that has been in place since November 2006, which helps to catch some of Britain's most dangerous criminals and missing convicted sex offenders. As part of the launch of "Most Wanted", five appeals for missing offenders were posted on the initiative's website. Within hours, as the result of the widespread publicity, Gordon Stewart, one of the five missing offenders, surrendered to the police. The website has received more than 8 million hits; more than 1 million appeals were viewed by the public when the campaign was launched, and to date nine offenders have been located.

Crimestoppers has also had success abroad, leading the campaign alongside the Serious Organised Crime Agency to catch British criminals in the Costa del Sol. Operation Captura in the Costa del Sol encourages anyone who recognises the wanted criminals on its website to call Crimestoppers from Spain, to give information anonymously on a dedicated Spanish free phone number, which is—

Mr. Christopher Chope (in the Chair): Order. I hesitate to interrupt the hon. Gentleman. You can discuss Crimestoppers in Great Yarmouth and Crimestoppers in the UK—you can argue that Great Yarmouth is part of the UK—but when you start talking about Crimestoppers abroad, you are getting a little bit away from the subject matter of this debate.

Mr. Wright: Not really, Mr. Chope, because Crimestoppers UK receives the calls about the criminals who have escaped justice in the UK by going abroad, so it is very relevant to the scheme that started in Great Yarmouth 25 years ago, which encouraged people to contact the police. The scheme encourages people to

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report not just criminals in the UK but those who are abroad, so it has a direct relevance in that sense. I am nearly finished, Mr. Chope, so I will not take up much of your time on this particular subject, but I can assure you that it is all relevant to Crimestoppers UK.

Mr. Christopher Chope (in the Chair): My concern is that the title of the debate is Crimestoppers in Great Yarmouth. To extend it to Crimestoppers in the UK, which I have tolerated, is one thing, but to talk too much about the impact of Crimestoppers outside the UK is going a bit too far.

Mr. Wright: I crave your indulgence, Mr. Chope, as I turn to the multi-agency operation Pentameter 2, which launched last October to protect victims of the sex trafficking industry. Anonymous Crimestoppers intelligence has assisted the police in Leicestershire in rescuing six females from brothel premises, closing four brothels down and arresting two persons who were subsequently charged with running a brothel and controlling a prostitute. Through its youth arm, Shadow CS, Crimestoppers is now targeting the London boroughs that are hardest hit by gun and knife crime.

It is through collaborative partnerships and joint working between the police, businesses and the media that Crimestoppers has had the success that it has had, and will continue to have, I am sure, for the next 25 years and beyond.

Another element that is key to Crimestoppers having any success at all is the information provided to it by members of the public. Without people picking up the phone to make that call, the thousands of arrests and solved cases would not have been possible. So as we celebrate 25 years of successful crime stopping, we should also stop to recognise the individuals who come forward. Often that is not an easy thing to do. People may feel under pressure not to come forward because of the potential consequences; they may know the person who they are reporting. Crimestoppers teams and the general public must be congratulated on their efforts to bring criminals to justice. Those behind the scenes can look back with pride and highlight the fact that it all started in Great Yarmouth.

Crimestoppers has gone international. The fact is that without the two gentlemen who started the project, Jim Carter and Mick Cole, who are here today, the 80,000 or so arrests that have been made, not just in the UK but internationally, since Crimestoppers began would never have been made. I pay personal tribute to those two individuals from Great Yarmouth, to the community in Great Yarmouth for taking the initiative forward, and to successive Governments who have supported it.

Most of all, I encourage as many people as possible to use the anonymous phone lines and to listen to the words of Carol Saldinack, who is a constituent of mine. She did not have anonymity but she gave up her two sons because she thought that that was the right thing to do. She says that it is up to socially responsible people in society to use whatever measures are available, including Crimestoppers, to report criminal activity, wherever it takes place, so that we can help the police, and help the Government to bring down the crime statistics.

4.42 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): It is a pleasure to serve under your chairmanship, Mr. Chope. I believe that it is the first time I have done so in my ministerial capacity. I wholeheartedly congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on securing another debate about his constituency. I know from a visit to his constituency that I made not too long ago how much he involves himself in the local community and how he does his best to work with all the local organisations and people not only to tackle crime but to deal with a great many other issues as well.

Crimestoppers UK, the national charity, celebrates its 20th anniversary this year, but, as my hon. Friend said, it all started in his constituency five years earlier, thanks to the innovation and public-spiritedness of two men. I pay tribute to them and thank them for what can only be described as pioneering work.

Visiting Peoria, Illinois, in 1982, Detective Inspector Mick Cole of Great Yarmouth police came across a scheme where a sergeant, sitting in a room on his own, took anonymous information from the public about crimes. When information led to an arrest, the callers put themselves in line for a reward from money donated by local businesses. Mick had the foresight to recognise the opportunity that that presented for policing in Great Yarmouth and, on his return, got his senior managers' backing for a trial in the town. Crimestoppers is a tribute to him. Many of us often see lots of good, exciting ideas and we think, "That is a good idea," but that is all we do about it. Great credit is due to him.

Jim Carter was managing the local Woolworths at the time. When he received a letter asking for support for the scheme, he thought it a brilliant idea, the sort of thing that businesses concerned about crime rates should support and a good way of getting the community involved in fighting crime.

From that pairing in Norfolk to the scheme's adoption by the Metropolitan police five years later to its roll-out across the country, from the receptiveness of the police to radically new ideas to wholehearted support from newspapers and television companies, Crimestoppers over the past quarter of a century has been a story of success. The 25th anniversary of Crimestoppers in Great Yarmouth and the 20th anniversary of its force-wide introduction in London provide us with an opportunity to reflect on that success, praise the results that have been achieved and thank the many volunteers, including many of our constituents, who have been involved in mounting campaigns and fundraising locally.

This year, Crimestoppers will receive its millionth actionable call. Since its inception, intelligence given anonymously by members of the public has led to more than 84,000 arrests and charges, the recovery of goods worth £101 million and the seizure of more than £148 million-worth of drugs. Seventeen people are arrested every day as a result of information given to Crimestoppers, and, as my hon. Friend said, one person is charged with murder every seven days. When people reflect that that was made possible by the imagination of two men 25 years ago in Great Yarmouth, they will realise that it a phenomenal achievement, and one to be justifiably proud of. Many people looking at today's agenda for our proceedings in Parliament will have looked at the

title of this debate and wondered whether the subject was not a parochial one. But, when we reflect on it, we see that the impact of Crimestoppers in Great Yarmouth and in our country has been phenomenal. I hope that some of our hon. Friends take the opportunity to read some of the facts that we have laid out in this debate.

I pray for your indulgence for just half a minute, Mr. Chope, as I make my next point. Reaching abroad in support of SOCA last year, Crimestoppers UK's campaigning led to the capture of 11 fugitives believed to be on the run in Spain. Indeed, as my hon. Friend said, Crimestoppers works closely with the child exploitation and online protection unit to catch many missing convicted sex offenders on the Most Wanted website.

The results speak for themselves. The potential that Mick Cole and Jim Carter saw 25 years ago in Great Yarmouth has certainly been realised. I also point out that, as a consequence of that scheme, among other things, Great Yarmouth has had significant achievements recently on crime. The Great Yarmouth crime and disorder reduction partnership was set a target of reducing British crime survey comparator crime by 18.9 per cent, but by the end of March this year, it had achieved a 28.5 per cent. reduction. That equates to a reduction of 2,045 crimes against a target of 1,376. Crimestoppers will clearly have played a real part in that. Since 2003-04, theft from a motor vehicle has fallen by 69 per cent., domestic burglary is down 56 per cent., robbery is down 44 per cent. and theft of a motor vehicle is down by one third. Violent crime has also dropped significantly.

The strong performance on crime in my hon. Friend's constituency is reflected across Norfolk. Crimestoppers across Norfolk, including in Great Yarmouth, has clearly been of significant help in reducing the crime figures. Alongside that, there are now 114 more police officers in Norfolk than in March 1997 and some 230 community support officers.

However, real challenges remain to be faced. Not only must we continue to cut crime and make communities safer, but we need to secure the confidence of communities in doing so. Crimestoppers in Great Yarmouth and elsewhere is crucial to that. We are serving a public who, quite rightly, expect and deserve better information, improved accountability and timely and effective solutions across our public services.

In tackling crime, one of our greatest challenges is meeting the needs and expectations of the public, winning their confidence and bringing them in as part of the solution. Crimestoppers helps us do that. From its origins in Great Yarmouth, a network of 39 regional boards has grown across the UK, the Isle of Man and the Channel Islands. More than 400 people are now involved, donating their spare time to the fight against crime. The campaigns that they mount, using funds that they raise locally themselves, target messages directly to members of the public to inform them about particular incidents where the police need help or to raise the community's awareness of a more general issue.

It is incumbent on all of us to report crime that we witness or know something about, so that offenders may be brought to justice. By providing a mechanism to pass information to the police and others reliably but anonymously, Crimestoppers helps people in communities to fulfil this citizen duty, even where they are in difficult, vulnerable or dangerous circumstances. I pay tribute to those people—it would be remiss of us not to—who, through Crimestoppers or in other ways, try to support the police, often in difficult circumstances, to bring to justice offenders who are sometimes dangerous. As well as providing a means for people to report crime, Crimestoppers makes an important statement in every community in this country, effectively saying that we will do something about those who seek to undermine us and gain from their criminal behaviour.

As Mike Cole saw on his visit to Illinois 25 years ago, Crimestoppers enables information to come to light that the police would simply not be able to get through traditional routes. For that reason, the Crimestoppers Trust charity has received Government funding in recent years as a strategic partner in our work to reduce crime. This year, that money is part of £4 million provided by the Home Office to third sector partners involved in crime reduction, crime prevention and victim support work, with the Crimestoppers Trust being the largest recipient. Most recently, it has benefited from £50,000 to pilot a new service aimed at young people to allow them to contact Crimestoppers anonymously by sending an SMS text message—an innovative approach that is already showing results, just as an anonymous phone line in Great Yarmouth first did 25 years ago.

It is important to remember that Crimestoppers started in the communication age that existed 25 years ago and it was appropriate then. I hope that the example that I have just given demonstrates that Crimestoppers has to be an evolving concept, which remains true to its principles, but responds all the way along the line to the new communication age in which we live. Certainly, we should bear in mind the principle of people's being able to report crime anonymously and do their public duty in the way that Crimestoppers makes possible. We can now do that through SMS text messaging, and who knows where we go with this in future? The continuing development of Crimestoppers is important. As Mike Cole and Jim Carter reflect on that now, I wonder whether they would have thought 25 years ago that young people with mobile telephones would be able to report crime anonymously to the police through text messages. Sometimes, I wonder where we will be in 25 years with Crimestoppers and what the appropriate mechanism will be then.

Since 1997, the Government have been successful in bringing down crime. The excellent results seen in Great Yarmouth in the last few years are an example of what can be achieved when efforts are properly targeted. For the future, it is right that we focus on working in partnership and building public confidence, both of which are at the core of the Government's plans to reduce crime and increase community safety. They were also at the core of what Mick Cole and Jim Carter set out to achieve 25 years ago when they brought the idea of Crimestoppers back from Peoria and set it up in Great Yarmouth. They foresaw its potential for the town, but I wonder whether they could have imagined just how it would take off and expand, thanks to the hard work, generosity and commitment of numerous others.

As I said earlier, I am glad that we have had the opportunity in this debate to pay tribute to two men whose foresight has made each and every one of our communities safer. I am also pleased to pay tribute to my hon. Friend the Member for Great Yarmouth for supporting that work and for introducing this debate

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today, the importance of which is not necessarily reflected in its short title. However, when people read the debate's content and see the impact that Crimestoppers has had in bringing people to justice and leading to arrests—not just for small crimes, important as those are, but for murders, too—they will reflect on the brilliance of Mike Cole and Jim Carter in having the imagination to pick an idea up, seeing its potential and, above that, having the confidence to drive it forward.

I congratulate Mike Cole and Jim Carter and my hon. Friend. I hope that in 25 years, on the 50th anniversary of Crimestoppers, we shall reflect on a further 25 years of massive achievements and advancement.

Question put and agreed to.

Adjourned accordingly at four minutes to Five o'clock.

Westminster Hall

Thursday 19 June 2008

[ANN WINTERTON *in the Chair*]

Deprivation/Child Poverty

[Relevant documents: Second Report from the Work and Pensions Committee, Session 2007-08, "The Best Start in Life? Alleviating Deprivation, Improving Social Mobility and Eradicating Child Poverty", HC42-I; and the Government response, HC 580.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Timms.]*

2.30 pm

Mr. Terry Rooney (Bradford, North) (Lab): I was rather hoping that the hon. Member for Cardiff, Central (Jenny Willott) would be here today, because she took part in the Committee's deliberations, but as she is now a Liberal Democrat Front-Bench spokesperson and dealing with the same subject, I understand why she is not present. Our congratulations go to her; she has been a valued member of the Committee since 2005.

We are here to discuss the Government response to the Select Committee's report. I might as well get the bad news out of the way first: the Committee found the response very disappointing. It was complacent, defensive and a restatement of existing policies, despite being published two days after the latest child poverty figures came out showing an increase of 100,000 children in poverty. Perhaps existing policy is not working. We need to put that on the record at the start.

I accept that there were significant announcements in last year's autumn performance report and the 2008 Budget, which we hope will take 650,000 to 700,000 children out of poverty. However, there is still enormous pressure to deliver on the 50 per cent. reduction target for 2010. No doubt the Committee will return to the subject and remain watchful and vigilant, as I am sure the Minister would expect it to be.

This debate is particularly relevant when we look not only at the less than 60 per cent. of average earnings definition of poverty but the material deprivation figures, especially given what is happening at the moment in food and fuel prices. That will obviously have a significant impact on material deprivation, although it might not have an impact on incomes. We need to recognise that it is an ongoing and serious issue for families on low incomes.

I shall talk first about the education aspects of our report. The Government have long recognised that we need to deal with generational inequalities, worklessness and similar problems. The key to breaking that cycle is getting today's poor children the best education possible.

It might be against the law, but it is a fact that many schools send letters home to parents saying that a school trip can go ahead only if contributions are received. The parents have the right to refuse to make a contribution, but if they do not make a contribution and the trip gets cancelled, word soon gets around about who has denied the rest of the class that opportunity. No matter how much that practice is against the law, it is happening. I have nine grandchildren, and they experience it week in, week out and month in, month out. It really is a problem. Children's education is incomplete when, because of poverty, they are unable to take advantage of those educational opportunities.

The practice extends further. Because things like music lessons are charged for in our schools, the vast majority of poor children are denied that opportunity because their parents cannot afford to pay. The cost is significant, but music lessons are part of that rounded educational experience that children should be getting, above and beyond the national curriculum.

Most poor children are self-excluded from extra-curricular activities, because they need to have games kit and equipment, such as cricket bats or whatever, and the family budget does not stretch to those items. The total educational experience is just not there for those children, and that leads to diminution in their happiness and performance at school, increased truancy and other effects. The child poverty unit is, as my right hon. Friend the Minister knows, the result of a partnership with the Department for Children, Schools and Families. This problem with extra-curricular activities is a key issue for it.

The other side of this problem is that, although we know that children in poor families have worse records of truancy, achievement and everything else, we have a benefits system that penalises their parents if they endeavour to take educational courses themselves. The 16-hour rule is far too rigid, stringent and perfidious and, as I say, it penalises parents who want to improve their life and better themselves through education. That is not a good message to send to children, is it?

Quite rightly, the state spends a fortune—billions of pounds—on supporting students into higher education. They then become higher earners and will, we hope, enhance and develop the economy, but those who are at the bottom of the pile get punished and penalised for taking educational courses. I know that there were some announcements in the Budget, particularly about lone parents, and I know that there are pilots running to help 16 and 17-year-olds who are not in education, employment or training. Generally speaking, however, the benefits system penalises those who try to improve their education and thus their employability.

I understand the argument that it is not the job of the welfare system to support students, but when people are trying to improve their employability and thus their ability to lift themselves and their family out of poverty—particularly when we are talking about courses in basic subjects such as maths and English—a degree of flexibility is needed in the rules and regulations. Perhaps that is an area that might be looked at further.

I would like to state some basic facts about child care. Only a third of those who are entitled to child care tax credit take it; that is an incredibly low take-up. Nationally, 22 per cent. of child care places are vacant. There are all sorts of problems, especially in London, with the cost of child care, including fees having to be paid up front, with some outfits even demanding a term's fees in advance. All of those costs militate against people getting child care.

Child care is crucial, not just for lone parents but for several other family structures. Having read the documentation, I think that the Treasury has really got

[Mr. Terry Rooney]

a grip of this issue. Its review of child care tax credit and the work that it has published on that subject is spot-on. However, we need some rapid progress.

The Government's response is that it is the responsibility of a local authority to ensure that there is suitable and adequate child care provision in its area. However, when that provision is failing, it is the Government's responsibility to step in and deal with it. The Government simply cannot say to local authorities, "That is your responsibility and if you're not doing it right, get it sorted."

Last week, the Secretary of State for Children, Schools and Families announced that 658 secondary schools were not meeting their targets; they would get seven weeks to come up with an action plan, otherwise they would be taken over. Well, why do we not have the same focus and impetus when dealing with authorities that are failing to deliver adequate child care? The policy on child care is a national one—it is key to our strategy on cutting child poverty—and if local authorities are failing it is up to central Government to deal with that situation, and not to say that it is a problem that must be sorted out by others. Sadly, far too many authorities have been extremely complacent. Billions of pounds of Government money has gone into child care provision, but far too little regard has been paid to holding people to account for delivering what is necessary.

A further point is that although most people are adequately covered by child care provision between 8 am and 6 pm, lone parents in particular tend to work unsocial hours, evenings and weekends, and that is when child care is least likely to be available. The other big group facing difficulties is the parents of disabled children. Getting child care for a disabled child is inordinately expensive. Not only does the child care tax credit go nowhere near to covering the cost, but there is a paucity of supply. We know that the family of a disabled child is four times more likely to be in poverty, so we really need to do some serious analysis of how we can resolve that problem. The child care tax credit system will never work. More direct provision is required—a sort of drop-in facility, rather than parents having to go through all the rigmarole. I understand that a review is being done but that no commitments have been made.

Child care tax credit is limited to the first two children. There is no help at all if one has more than two children. Child care costs anything between £80 and £250 a week, depending on where one lives. If parents are getting a bit of cover for two children but have to pay for everything for two other children, moving into work is too uneconomic even to think about.

As I said, the Treasury is conducting a review, I hope in conjunction with the Department for Work and Pensions. I am encouraged by the scenario that it painted of the basis of the review. I hope that we will see some positive results from it, but it is obvious that child care has been a hindrance to moving into work for lone parents in particular, but for others as well. If that is the case—if it is such a key matter—we have to be big enough to say quickly that what we have been doing is wrong and that we will take the necessary action.

The Government's response on the "better off in work" calculation was, frankly, one of the most disappointing aspects of the document. A calculation should be just that. Jobcentre staff should be able to say to a claimant who is considering a prospective job what the difference in their income will be, after expenses—people should be able to see where they are now and where they would be if they were in work. To say, as the Government do, and as they reiterated in their response, that any incidental expenses connected with moving into work will not be taken into account in the calculation is, frankly, to be deceptive. A lone parent with three children immediately faces a bill of about £25 a week for school meals, where previously the children had free school meals. I accept the Government's argument that expenses related to moving into work are variable and that only standard expenses can be calculated, but the cost of school meals is standard, as are the costs of things such as prescriptions and everything else that one loses. For somebody who is on constant medication, that needs to be factored in. Transport costs, too, are constant.

It is insupportable to tell someone that they will be at least £25 a week better off in work when, in practice, they will be £30, £40 or £50 a week worse off. I repeat what we said in the report: that is a deception. Both sides of the equation must be put to people. Otherwise, they will lose confidence in the calculation. They will tell their friends, relatives, neighbours and other mothers at the school, and loss of confidence will rapidly decline into disbelief.

John Penrose (Weston-super-Mare) (Con): Does the hon. Gentleman agree that it is not just the end result of the calculation that is gravely flawed, but the fact that it can take up to half an hour to do it, even with the aid of an advanced piece of software and a benefits expert? By that time, any notion of an incentive to work is stone dead on the floor.

Mr. Rooney: I understand why some people waiting for the calculation to be completed lose the will to live. But, as always with such things, there is probably a simple solution that would be 70 per cent. wrong, or a longer solution that hopefully would be a bit nearer to being right. It is the components of the calculation that matter. The calculation has to give an exact and honest assessment of where people will be.

Harry Cohen (Leyton and Wanstead) (Lab): Is there not an added factor? Is there not real risk of jobcentre staff saying that the person would be better off in work when in reality they would be worse off? Jobcentre staff are adopting a tighter sanctions regime, which might be based on their own thoughts about people being better off in work, even though that is not the reality.

Mr. Rooney: I thank my hon. Friend for those remarks. I shall come on to sanctions in a moment, if he will permit me.

The Committee had the pleasure about 18 months ago of visiting Stratford jobcentre, which is very large. I am sure that my right hon. Friend the Minister knows it well. A huge number of people go through it. We met a group of lone parents who had some horrifying stories to tell about their experiences. Most of them had not even been offered a "better off in work" calculation, and those who had and then had it checked somewhere else—by the citizens advice bureau and so on—found that it was far from accurate. That shattered their

confidence in the system. They felt that they were being used, abused and misled, and that does not help anybody. It damages the reputation of Jobcentre Plus and the whole welfare to work programme, and it undermines credibility. That really needs to be reviewed.

As the Minister knows, a trial is being done in Yorkshire and Humberside, where my home is. I shall keep a close eye on it and report regularly and frequently about any discrepancies that I find.

Tom Levitt (High Peak) (Lab): My hon. Friend is absolutely right that the passporting of benefits must be fully taken into account. At present, it is not taken into account when we look at in-work poverty. He may recall that in its current investigation of the role of carers, the Committee came across carers who work for 16 hours a week. Because of their caring responsibilities, they do not have the time to work more than that. As the national minimum wage has risen, they have had to reduce their hours in order to retain their carer's benefit. Is not that another example of how in-work poverty is not being tackled by the measures that the Government are contemplating?

Mr. Rooney: My hon. Friend is absolutely right. There is a link between the minimum wage and the £95 a week disregard in carer's allowance. There is a similar problem with permitted working limits for incapacity benefit. If the two figures do not change at the same time, there can be a period when somebody suddenly finds that they are breaking the rules although they have done nothing wrong. There is an easy solution, and I hope that the Department is considering looking at it just once a year instead of at the point of change.

My hon. Friend the Member for Leyton and Wanstead (Harry Cohen) mentioned sanctions. The Minister is well aware of my personal opposition—and, indeed, the Committee's opposition—to moving lone parents on to the jobseeker's allowance regime. I am grateful to him and accept that he has been extremely helpful, as has the Secretary of State, regarding how the regulations will be implemented. A great deal of flexibility will be allowed.

The decision has been made, so that is where we are, but there is still the problem of lone parents who get moved on to the JSA regime being exposed to a much harsher sanctions regime. It does not increase the child poverty numbers if somebody is sanctioned, as they are already in poverty. It just means that they are even deeper in poverty. I hope that the message is going out loud and clear that sanctions must be the last resort.

There is a general problem with sanctions. Too often, people do not know that they are being sanctioned; if they do know, they do not know why; and if they do not know why, they do not know how to put things right. The whole idea of sanctions is to change somebody's behaviour, but if communication is not clear, and if it is not apparent how behaviour can be corrected, the function of the sanction is lost. The research into the sanctions relating to the work-focused interview, which is a serious issue for lone parents, is due in about two weeks. It will be interesting to see what it has to say. I accept that there has to be a sanctions regime, but it has to work and it has to be understood by the claimant as well as the personal adviser or the decision maker.

By the bye, two large contractors who have pathways to work contracts have told me that they get a 40 per cent. no-show of referrals from Jobcentre Plus, but, although they send the names back for a sanction to be considered, nothing happens. One wonders whether these are just teething troubles in the early days, or whether people are saying, "We've got rid of that problem now; it belongs with the contractor so we don't need to do anything." Again, there is different treatment for different groups of clients.

I shall draw my remarks to a close, because I know that other hon. Members want to contribute to the debate. The key issue in relation to child poverty, identified by the Select Committee and by a number of other groups, is the point of change. People have to feel comfortable at the point of change. Too often, we are told that people on benefits are more comfortable with that much lower income—knowing that it is secure and will come every week, and most importantly knowing that the rent is paid and there is a guaranteed roof over their family's head—rather than with the haphazard world of work. A clear majority of lone parents are in work, so for some people it obviously works, but we do not do enough to find out what made it work for them and try to apply those lessons to the people who are left. Too often, we ask people, "Why aren't you pulling your finger out?" instead of trying to marry up the experiences of people who have successfully moved from benefits into work.

The fear that people experience is genuine and heartfelt. We talk a lot in the report about in-work poverty, but the fact is that if people move from benefits into work, their income increases significantly, albeit it might not lift them all the way out of poverty. If people are still nervous about taking that step, there is something wrong with the advice and guidance procedure beforehand. To help, we can be a lot more imaginative with benefit run-ons—there is a run-on on housing benefit, for example. The Work and Pensions Committee has published a report on research on social housing and worklessness in which we say:

> "The complex interaction between earnings, housing benefit, tax credits and resulting net income makes it difficult for tenants to fathom the financial consequences of entering work. Difficulties understanding this interaction and being able to compare net income in work compared to out of work were apparent among the people interviewed. Few respondents appeared to be aware of the operation of housing benefit as an in-work benefit, raising concerns about their ability to cover housing costs when in work.
>
> This uncertainty expressed by some respondents about the income implications of entering work was in stark contrast to the certainty of their current situation, which allowed the development of personal strategies for 'getting-by'. Many also drew attention to the insecure nature of the work available to them and contrasted this unfavourably with the stability of benefits"—

despite their paucity. That encapsulates the problem.

Large groups of people are opting for the safety of very low income rather than taking a chance. That is especially true in London, because of the much higher rents there. Part of the problem is lack of knowledge and poor advice and guidance about in-work benefits; part of it is the appalling performance of some local authorities in processing housing benefit claims. The current one-month run-on should last for three months. Within that three months a local authority should have to establish the new claim and, if they do not do so, full

[Mr. Rooney]

run-on should carry on at the local authority's expense and the cost should not be reimbursed by the Exchequer. That would be a direct inducement to improve performance.

We need to get over people's insecurity about the point of change. That applies equally to other issues. Housing benefit is the most spectacular example but there are others, such as entitlements to free school meals and school travel. For example, 57 per cent. of authorities still give clothing grants for school uniform, which people lose if they move into work. People take all those points into account in their minds: they are not stupid and they need to know that moving into work, which is supposedly so good for them, will actually work out.

Finally, I want to make two quick points about steps that we need to take to increase further the rate of progress on child poverty. At every Budget time, we see people almost scratching round to find £1 billion here or £1.5 billion there to try to at least hold the figures steady, so here are my proposals. First, if we enforced equal pay—it is nearly 40 years since the legislation came in—that would do an awful lot to reduce child poverty. Secondly, we have to grasp the nettle and increase the minimum wage by above the rate of inflation or the rate of wage increases. If we had a minimum wage of, say, £7 an hour today and enforced equal pay, we would take about 1.5 million children out of poverty straight away. Society and Government have a joint responsibility and an interest in this issue.

It is outrageous that, today, some 40 years after we passed equal pay legislation, 68,000 claims are pending at an industrial tribunal. In local government alone, some 400,000 claims of a class action nature are waiting; there are others across the public sector and many more in the private sector. Forty years on, we really should be saying, "Enough is enough; everybody's had a chance," and enforcing the legislation.

The two measures that I have mentioned would have a dramatic effect on the child poverty figures. At the end of the day, that is what matters. We are talking about children. Putting it crudely, these are the people who will be paying their national insurance contributions that fund our pensions in retirement and paying for our care in residential homes, or wherever, and they deserve a better chance than they have at the moment.

2.57 pm

John Penrose (Weston-super-Mare) (Con): I congratulate the Chairman of the Committee on securing this well-timed debate, coming as it does shortly after the news that the number of children living in poverty has risen by 100,000 for the second year running. That stark statistic led the End Child Poverty campaign to say that such a poor result will be a setback to the Government's target of halving the number of children living in poverty by 2010. The Committee Chairman has presented a pretty thorough, comprehensive survey of many of the points contained in the Committee's report and, I am sad to say, summarised accurately the Committee's reaction to the Government's response, which we had hoped would be substantially more constructive and engaged than it was. I hope that the Minister will be able to embroider and develop the Government's response and, perhaps, change that perception by the end of this debate.

This problem affects all of us. I am pretty sure that every hon. Member present has pockets of poverty and deprivation in their constituencies, no matter which part of the country they represent. In my constituency of Weston-super-Mare, according to figures released by the Joseph Rowntree Foundation; 19 per cent. of children live in families on out-of-work benefits. That local authority is one of the dozen or so worst in the south-west. In fact, we have seven super-output areas in the bottom 10 per cent. of indices of multiple deprivation, and two super-output areas in the middle of Weston-super-Mare in the bottom 2 per cent. of indices of multiple deprivation. Therefore, the issue affects all hon. Members here today, who will have pockets of severe poverty in their constituencies as well as less badly affected areas.

I want to discuss what we mean by poverty. One of our early recommendations as a Committee was that the Government should change the way in which they measure and report poverty. That might sound like a slightly dry topic, but it has fundamental and profound implications, because poverty, as we all know, is a multifaceted problem: many different factors contribute to it and affect it. Therefore, the Government could pull many different levers to try to improve the situation.

The Government have moved towards viewing poverty through three simultaneous lenses. They use a relative measure, the internationally comparable OECD measure of 60 per cent. of median income, to assess poverty. Whenever we made international comparisons in our report, the Committee used that index as a way of comparing the UK's performance with that of others.

In addition to the relative measure, the Government use material deprivation, which is very closely linked with the indices of multiple deprivation that I was just discussing. Under that measure, it is a question not just of how much money is coming into a household—the income relative to the national median—but what someone can buy with that money. The Chairman of the Committee rightly pointed out that in London, where living costs are high, a person can have the same income as someone who lives in another part of the country, in which the cost of living is lower, and yet be able to afford fewer of the essentials of life and, therefore, be comparatively worse off. That is a particularly important issue given the environment in which we live at the moment, with rising fuel and food prices. Many of the essentials of life are becoming rapidly more expensive. Therefore, material deprivation will become more of an issue. It is appropriate for the Government to consider poverty through that lens as well.

The final measure that the Government use relates to social mobility and the persistence of poverty. Again, that is a crucial measure. It is question not just of whether someone's income briefly falls below 60 per cent. of the median, but how long it stays there. If people are temporarily out of work—even if it is only for a week or two—their income could theoretically fall below 60 per cent. of the median. As such people may only be out of work for a week or two before getting another decently paid job, that should not push Government policy in a particular direction. We must address the problem of those who find themselves stuck in poverty for an appreciable length of time because obstacles prevent them from getting out of it.

The Chairman of the Committee made some important points about people who are affected by change and who find it, if not comfortable, comforting to remain in

a situation that is stable and safe rather than take the risk of going into work. They may worry about how all the unknowns, which have overcomplicated the benefit system with multiple interactions, will impact on their situation if they take that risk.

It is appropriate for the Government to look at poverty through those three different lenses. It is vital as well because this is not just an academic debate about the causes of poverty. Were we to choose only one of those views of poverty, it would have profound implications on the policies that we pursue to relieve poverty.

For example, were we to choose the relative measure of poverty and say that it is important to minimise the number of people who are below 60 per cent. of the median income, it would unavoidably push us in the direction taken by the Scandinavians to relieve poverty. We would have to have significant rises in taxes to effect substantial rises in benefits, particularly out-of-work benefits and possibly the minimum wage as well. The Government have not gone down that road. It is not Government policy solely to use that method of alleviating poverty, and my party would probably agree with them on that. There are other things that we need to do. With the possible exception of the hon. Member for Leyton and Wanstead (Harry Cohen), who might think that the perfect solution to relieving poverty, there is not a widespread political consensus that that is the only road out of poverty, even though it works for other societies such as those in Scandinavia.

Therefore, it is vital for the Government to be clear about what they are trying to do to alleviate poverty. If they are to hit their target in 2020 of substantially wiping out child poverty—even if as gently and elegantly as they can they are backing away from the notion that they will hit their halfway-point target in 2010—it is essential that we all understand what the Government aim to do. Many of the essential planks in their platform will take effect not between now and 2010 but from 2010 to 2020—in particular, the welfare-to-work reforms.

Those reforms are critical because the Government are effectively saying that they will not rely purely on a Scandinavian attempt to raise taxes and benefits, but on getting more people back into work and off benefits, allowing them to take the step through the point of difference—to which the Chairman of the Committee referred—believing that they will be better off in work. We hope that the "better off in work" calculation will be simple, easy to understand and right. A combination of earnings and in-work benefits, or tax credits, is the way to lift people either out of severe poverty and improve their earnings or to lift them entirely out of poverty over time. I hope that that is a statement of where the Government are going.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Would the hon. Gentleman couch that in terms of the broad philosophy that David Freud has brought to Government policy in the Department for Work and Pensions and other Departments? He says that so many of our interventions to get people out of long-term sickness, disability and unemployment are very short-term—they last 12 weeks and then there is the revolving door and so on. Does the hon. Gentleman think that one of the answers is more concentrated help over a longer period, and not being fussy about who the agents are to supply that change?

John Penrose: I agree with large parts of the Freud report. The hon. Gentleman is right to say that Freud recommends introducing far more variety of supply into the welfare-to-work arena so that more organisations, particular those in the third and charitable sectors, can get involved in getting people in hard-to-reach groups back to work. Also, we must ensure that organisations are paid by results over an extended period. It is not enough to give someone a couple of brief courses, get them into a job and then wash our hands of them. We must ensure that the job is sustainable and that the person remains in work for an appreciable period. In a previous report, the Committee recommended that the person should be in work for at least a year before the welfare-to-work agency receives full payment. That would help to ensure that the problems mentioned by the hon. Gentleman are avoided.

Mr. Philip Hollobone (Kettering) (Con): My hon. Friend made the point earlier that the "better off in work" calculation should be simple. Should it not be as simple as possible? Almost from the first step, when getting on or off benefits, it should be a question of one, two or three presses of a button to do the calculation. If we can make the process really simple—almost from the first calculation that is done—it would encourage people to say with confidence, "I would be better off in work and off benefits."

John Penrose: I could not agree more with my hon. Friend. Two things would need to happen for that to be achieved. An incredibly complicated piece of software must be updated in enormous and excruciating detail every time there is a benefits change to simplify the calculation. However, we can only go so far in improving that software to try to reduce the number of keystrokes in the way he describes. The fundamental problem is trying to model the effects of an appallingly complicated benefits system with multiple interactions and interdependencies. In an earlier report, one of the Committee's conclusions was that only a limited amount can be done by improving the software. We will need to simplify dramatically the benefits system and its interaction with tax credits before we will make much headway. It is fundamental, but that is the way that we need to head.

May I finish off this point about the Government's overall approach to poverty by pressing the Minister on a particular question? As I understand it, the Government have committed themselves to three ways of viewing poverty and have, therefore, committed themselves to the policy outcomes and approach that I have just been describing. As I mentioned, one of those ways of assessing poverty is the internationally comparable OECD measure of 60 per cent. of median income. I had thought that that measure was part of the Government's approach; indeed, it appears throughout our report, and every time we made an international comparison, that was the measure that we used. However, in a recent debate about poverty—it was about pensioner poverty, but child poverty and pensioner poverty clearly share a common definition of poverty—two of the Minister's departmental colleagues sought to rubbish that measure of poverty. They said that the calculations by EUROSTAT, which seeks to make international comparisons, are somehow not to be believed.

I appreciate that the Minister's colleagues were probably seeking to avoid embarrassment on the Floor of the House because they were being accused at the time of

[John Penrose]

having engineered a situation in which Britain's pensioners were worse off than those anywhere else in the EU, apart from Latvia, Cyprus and Spain. However, the Under-Secretary of State for Work and Pensions, the hon. Member for Warwick and Leamington (Mr. Plaskitt), said:

"The EUROSTAT survey measures the median income of each country and that of pensioners. The UK is relatively well-off so our poverty line is higher, and so our "poorest pensioners" are better off than the "poorest pensioners" in other countries. The motion's claim is therefore spurious." [*Official Report*, 4 June 2008; Vol. 476, c. 880.]

In the same debate, the Minister for Pensions Reform said:

"Because we are a wealthier country, our poverty level in the EUROSTAT statistics is set higher than that for most European countries. That is the way the EUROSTAT statistics are set...Our pensioners are therefore much better off than those in most other countries." [*Official Report*, 4 June 2008; Vol. 476, c. 8[illegible]]

I hope that the Minister will clarify the situation. The whole point of the measure using 60 per cent. of median income, which the Government and his Department have used until now, is that it is internationally comparable. It allows international comparisons to be made and conclusions to be drawn in the way that the Committee has just done in its report. It is therefore a little awkward, to put it politely, for the Government to want to have their cake and eat it by using those international comparisons when they show the Government's record in a flattering light, but back-pedalling rapidly when they come up with conclusions that Ministers do not like. Perhaps the Minister could therefore make it clear that the Government remain committed to that measure of poverty as one of the three that they use and that his colleagues were perhaps paddling rather furiously to avoid embarrassment on the Floor of the House, rather than necessarily being bang on in their representation of Government policy at the time.

The Chairman of the Committee has covered the points made in the report in fairly comprehensive detail, so I shall focus on just one additional issue – child care. Child care is clearly one of the most important obstacles to taking parents and their children out of poverty. Although the Government have managed to engineer a substantial increase in the number of child care places over the past few years, that increase has come at a cost. There is not just the financial cost, although the Government have clearly come up with extra money to finance child care places. In increasing the number of places, however, they have also dramatically increased the amount of regulation, red tape and bureaucracy, as well as the expectations, surrounding child care places.

There are sometimes excellent reasons for the changes. Some have happened because of child protection issues and because we have needed to ensure that Criminal Records Bureau checks on child care providers are done correctly. In other cases, the concern has been to improve the quality of child care, and that has led to regulations governing child care providers' minimum qualifications and the minimum ratios of child care providers to children. As a result of such provisions, however, the number and range of child care providers has been dramatically reduced as fewer organisations have been able to provide the care envisioned in the Government's guidelines, which have become substantially tougher and more serious. The cost of child care has also grown dramatically, and one direct result of that, which we can all see, is that child-minding provision has declined dramatically.

As the Chairman of the Committee said, we have therefore ended up not only with an increase in the number of child care places, but with a dramatic increase in the number of vacancies and unused places, which now account for about 22 per cent. of places up and down the country. I suspect, as do many others, that that means that we have a monolithic, bureaucratic, over-engineered set of providers providing what the Government have defined as the right kind of care, which will, however, almost inevitably not match what parents want and need.

Mr. Sheerman: The Select Committee on Children, Schools and Families has just returned from two intensive days' work in Copenhagen. What the hon. Gentleman says strikes a particularly discordant note for someone who has just come back from a country that supplies very high-quality early-years care. Does he not agree that if we are to stimulate young children as early as we can, it is the quality of the setting that matters? He would surely agree that part of what the Government are trying to do is to squeeze out below-standard child care. I, too, would like to have my cake and eat it and to have low-cost, stimulating, high-quality care. At this point in the 21st century, however, society can surely no longer accept the fact that poor children go into environments where they are not well stimulated because the pay and training of those who work there is poor.

Ann Winterton (in the Chair): Order. Before I call the hon. Gentleman to respond, let me say that interventions should be somewhat briefer. I allowed the previous one to end naturally, but I trust that hon. Members will bear in mind what I have said.

John Penrose: I completely agree with the hon. Gentleman's point about the importance of quality. The point that I am trying to make is that although the regulations that the Government have introduced in an effort to achieve their laudable aim have improved quality in some respects—I am sure that hon. Members on both sides of the Chamber would sign up to that aim—they might also accidentally be squeezing out some potentially high-quality providers. I have no problem with squeezing out poor-quality provision—that is absolutely fine—but highly regulated, bureaucratically defined provision can often lead to other, unusual, different kinds of high-quality provision being excluded too. I suspect that that is one of the problems that we are seeing at the moment, which is why we have a mismatch between what parents want and what is being provided, and that has resulted in a large number of underused and vacant places in the existing child care sector.

I was therefore concerned by the Government's response, which did not seem to address the issue or suggest that any material change was in the wind. Clearly, there must be some way of providing a high-quality but far more flexible set of services at an affordable cost or at a different time of day, a different day of the week or a different month of the year. In that way, people who do

not want to work from 9 to 5, but at other times of the day, or those who want to continue their jobs during school holidays, would not have to give up their jobs when the existing level of provision caused them child care problems.

I was filled with gloom when I read the Government response. Yesterday, however, the clouds parted, and I saw a ray of sunshine. Two of the Minister's colleagues came to give oral evidence to the Committee on the issue of care. That was part of an inquiry into social care, but there are clear parallels and overlaps with the causes of child poverty, as I am sure that the Minister will understand. The difference between the Government's approach to social care and what they said in response to the Committee's report was stark.

Yesterday, the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis), who has responsibility for care services, said that the Government were trying to move towards a system of personal budgets and personal accounts, giving people control over the money that is spent and allowing them to choose who provides their care services. He said that the Government were looking at three different models. In one, people would employ their own staff and run their own operation. In the second, they would get the money and pay a traditional care provider to provide a service. In the third, the person would want the maximum ability to articulate their own needs and would want the authorities to settle the bills because they would not want the hassle of the bureaucracy. He then went on to tell the Committee that

"it is not just about choosing from the existing menu. The whole point of giving people personal budgets is to change the provider side. It is to change the menu, not to choose from traditional conventional services. If we are going to create a flexible system, it is not just about giving people power and control, it is also making sure that the provider side, the supply side, is completely different and people can use that money in an innovative and imaginative way."

The Under-Secretary then got the wind in his sails and a couple of pages later started to get very enthusiastic. He said that

"it is about completely reorganising the relationship between the State and the citizen. It is a massive redistribution of power, frankly, from the State to the citizen without leaving the citizen alone."

He finished by saying that

"I think probably personal budgets in the hands of lead professionals, right and responsibility contracts, ruthlessly identifying which families we are talking about would be a major way of tackling child poverty and breaking into generational deprivation, stopping kids drifting into the criminal justice system, supporting good parenting. It has the potential to transform."

That was eye-opening, fresh and new and I thought that it was a potential answer to a great many of the criticisms and concerns outlined in our report. The contrast between what he had to say and the Government's response to the report was very stark, so I hope that the Minister will explain to us either that the Department is examining that approach, to see how it can be applied to child poverty more generally, and particularly to child care issues, or, if it is not, why not. One of the answers I have recounted seems a great one; the other one, as encapsulated in the Government's reply to the report, does not.

3.21 pm

Harry Cohen (Leyton and Wanstead) (Lab): It is a pleasure to follow the hon. Member for Weston-super-Mare (John Penrose). I cannot say that the earth moved while he was speaking; it was just my hon. Friend the Member for Ealing, North (Stephen Pound) moving the furniture around. Nevertheless, he made a valuable contribution to the debate, and he made a valuable contribution to the Committee's work and its report.

The report is called "The best start in life?" and that question mark says a lot about whether we are giving such a start to children. That is the aspiration, of course. The subtitle is "Alleviating deprivation, improving social mobility and eradicating child poverty". It is a very good report, and it has been acclaimed by many organisations. One of them, the Child Poverty Action Group—I shall quote it again later—said it was

"a comprehensive analysis of many of the issues facing poor children and families."

I am proud to have helped, as a member of the Committee, to produce the report. I pay tribute to the Select Committee Chairman on steering the report through, notwithstanding that he turned down several of my radical suggestions, which would have improved it still further. Nevertheless, he did an excellent job.

As I am paying tributes, I shall start my speech with one of the first conclusions of the Committee, which was praise to the Government. The report states:

"Significant progress has been made in tackling child poverty. In 1998-99 the UK had the worst record on child poverty of any major European nation; there were 3.4 million children living in poverty and child poverty had more than doubled over the previous two decades. Since then this rising trend has been reversed and there are now 600,000 fewer children living in poverty."

In their response the Government pointed out, with reference to their Budget measures and the comprehensive spending review, how those new measures should lift another 500,000 out of poverty. However, there is a gap, and the Child Poverty Action Group spells it out in statistics in its briefing for this debate. It says that what the Government are doing will

"still leave a major gap to meet the 2010/11 target."

It continues:

"In 1998/99 the Government's central measure (relative incomes before housing costs) counted 3.4 million children as poor. If the government's target to halve child poverty is to be met poverty needs to fall to no more than 1.7 million children. In 2006/07 on this measure poverty stood at 2.9 million children, leaving a 'gap' to the target of 1.2 million children. Taking account of recent announcements which have not yet fed into the figures the unmet gap between the projected poverty level and meeting the target is around 650,000 children."

That is a sizeable gap still to be covered. On top of that we must consider the impact of higher inflation—the food, fuel and energy prices that could also put the Government off track in getting the figure down.

I know that the Chairman summarised the report, but I want to go through the key points. It said that it is only through further investment that the Government can meet their target of halving the number of children living in poverty by 2010. That is crucial; notwithstanding what is happening in the Budget and the comprehensive spending review. Further investment is still needed if we are to get there. The report also says that the Government must accelerate their efforts if the targets are to be met. It talks about the Government missing the target by

[Harry Cohen]

"close to a million children",

which is not out of line with what the CPAG says, because of recent figures showing a rise of 100,000. The figure could be 1.5 million children after taking housing costs into account. We know from the Government's response that they will not take them into account in relation to their targets, but it is worth recalling those extra 500,000 children. It is a question of reality. Families do not live on income before housing costs are taken into account; they live on income after taking into account housing costs.

The Committee went on to talk about evidence of the damaging effect of poverty on children. They are more likely to experience social exclusion and poor educational outcomes. The groups of children who faced a much higher risk of living in poverty were those from families in which there was disability, those with lone parents, some from ethnic minority families, and those from London, which has some of the worst child poverty.

The Committee congratulated the Sure Start local programmes, and I pay tribute to the Government for those—some excellent work has been done on health education and financial advice for parents. However, it also raised the issue of the need for good quality child care—particularly for lone parents, if we are to get them back to work. The Committee agreed that that is an ideal for which we should be working. However, it identified a mismatch between the child care that is available and what parents need—provision that is affordable as well as being available during the hours that they work. Again, the availability of child care is a particular problem in deprived areas of London, where the mismatch is stark. As to part-time jobs and flexible working, many other workers are available to take those jobs, so there is a shortage of them for lone parents.

The Child Care Act 2006 places a duty on local authorities to ensure a sufficiency of child care in their areas. The Committee welcomed that, but said that it needed to be monitored. However, the Government said in their response that they had no plans to do so; they will not collate and publish local authorities' assessments of child care in their area. Those will be published only by the local authorities in question. I wonder how that duty will be effectively implemented on that basis.

The Committee argued that if employment is to be sustainable, parents must be financially better off in work than they are on benefits, which suggests improvements to in-work benefits. There is a need, as has been said, for higher wages to close the gender gap and in London where costs are higher. The Committee also argued, in that context, that even if the Government were to achieve their 80 per cent. employment rate, many children would still live in workless households where the pay is insufficient to lift the whole family out of poverty. There must be an anti-poverty strategy to deal with that.

The Committee also argued that there is a case for higher benefit uprating for targeted groups such as those with children who are unable to work, through no fault of their own, because of a disability; child benefit and tax benefits could also be raised to try to achieve the child poverty reduction targets.

One important recommendation that I made, which was included in the report, is that all major new Government tax-and-spend policies should be accompanied by a report to Parliament explaining their impact on child poverty. We do that for human rights, and if child poverty is the major priority, as the Government have said—I agree that it should be—we should have such assessments. That would stop the Government being waylaid, sometimes by the Opposition, and taxing and spending on something that will have no impact on that key target, and may work against the provision of resources for this key target. I support that recommendation that the Chairman allowed me to squeeze into the report.

I want to draw attention to the Child Poverty Action Group's response, which said that the Government's

"response was disappointing in largely restating existing policy positions, this was made worse given the response was published a mere two days after the latest figures showed that child poverty continued to rise in 2006/07. Child poverty rose in 2006/07 because the government took its foot off the accelerator, with that in mind we are looking to government for a much more vigorous response to the challenges faced today.

This government response, frequently complacent and defensive, looks markedly different from welcome investments in children in Budget 2008, the Ending Child Poverty everybody's business' document, published with the budget, and from recent joint oral evidence given by Ministers from the Departments for Work and Pensions, Children, Schools and Families and HM Treasury on the 9th June. At this stage of policy, approaching the 2010 target and with meeting this interim target a vital base for moving towards the eradication ambition CPAG is looking for more enthusiasm, energy and investment around what has been perhaps the key recent change making pledge."

I agree that we want energy and investment from the Minister, not the Government's bland and unsatisfactory response.

I shall go into some aspects of the Government's response with which I am not satisfied. I mentioned the local authority child care duty not being monitored or effective. If it were effective, it would have an enormous impact on child poverty, so I am dismayed that it will be put on the back burner. I also referred to the decision not to consider income after housing costs. I know that the Government are struggling to achieve their target, but housing costs are a reality for families and affect 500,000 people. I shall say more about that in a moment, but perhaps there is scope to pick that up in the review of housing benefit.

The Select Committee recommended that the higher child care tax credit for families with a disabled child should be raised to £300 a month. In their response, the Government said that there is a disabled child element of £2,540, but if the monthly amount were raised to £300, the annual amount would be £3,600. In their response, the Government said that the disabled child element is £2,540 per annum, with an additional severely disabled element of £1,020. The Committee recommended, and I believe, that there should be uprating of about £1,000, which would impact enormously when there is poverty in families with disabled children.

The Government's response on disabled living allowance was surprising. They said that it is not designed to cover the extra costs of disability, but went on to say that it is a broad-brush contribution towards a generality of extra costs faced by disabled people. That is an almost

meaningless distinction, and I would like the Minister to explain it. The Government go on to say that no work is planned.

The DLA was informed by surveys on disability during the 1980s. We are now more than 20 years on from that, and today's evidence should be considered. It would show that there are extra costs, and the Committee alludes to extra costs causing child poverty in families with disabled children. The Government rejected the Committee's recommendation that winter fuel payments should be extended to families with a disabled child under five and in receipt of DLA at the middle or higher rate. That is disappointing.

On child care in London, especially for lone parents, the Select Committee expressed concern about the difficulties of finding work with suitable and flexible hours and conditions, and the effect of sanctions on children. The Chairman made that point, and the Government's response was that the sanctions on jobseeker's allowance would be flexible. We wait to see what that means, but the indications are that they are increasing considerably, including for lone parents. The response says that parents will not be sanctioned if child care is not available, but it will be up to the parents to prove it. How will that work? Will the Minister explain? There are clear cases in London of that mismatch where child care is not available. How will parents provide proof in such circumstances?

On child care and the local authority's role, the Government have said that there is enough money in the system already, and that in deprived areas it may be preferable to ensure that providers have a realistic business plan instead of making financial payments to providers. How will that help a London lone parent to have the child care that she needs to work and to avoid sanctions when the duty on local authorities will not be monitored or enforced? What exactly does "realistic business plan" mean in that context and to the individual concerned?

Another area that I was keen to promote in the report was the London living wage, which the former Mayor of London adopted for the Greater London authority. The Government's response was that although DWP works with contractors, it does so on staff conditions, including the minimum wage, but there was no mention of the London living wage. That is a serious omission by the Government, who should support the London living wage. The extra costs of working in London are considerable, and they contribute to the problem of child poverty and whether parents are better off in work or not. The Government should face up to that. The CPAG said:

> "For a very large government department, responsible for the child poverty target, CPAG would like to see clearer and stronger leadership. It is a scandal that half of all poor children have a parent in work. Government can and should lead by example, not just in London but across the UK."

That makes the point about in-work poverty.

The Government accept that the gender pay gap contributes to child poverty. They are seeking belatedly to close it, and it is a public service agreement target. But how will that work, and what effective measures will they provide and at what speed will they move to close the gender pay gap? There was no response from the Government to the Committee's recommendation for research into the problem. Again, that was a disappointment.

Another response from the Government referred to the DWP's position in relation to disabled children. The Government said that parents who are not eligible for carer's allowance have children who by definition do not require a level of care that would prevent them from working. That would have a potentially pernicious effect if it were adopted as a rigid policy by the jobseeker's allowance staff because other factors can prevent a lone parent with a disabled child from working—for example, the lack of child care that I have mentioned. That response does not reflect the reality for families with disabled children. The Committee argued that a broader definition is needed to exempt those people from the requirement to work and that the Government need seriously to consider whether a wider group should be exempted. Otherwise, sanctions would be unfair and unreasonable and would reinforce poverty, not alleviate it.

I shall now refer to the representations we had from Treehouse, which is the national charity for autism in education. It has stated that

> "Children with autism are disproportionately represented in those being excluded from schools; 27% of children with autism have been excluded from school".

It went on to say:

> "The impact of disability on poverty is clear, the figures speak for themselves: 3% of mothers of a disabled child being in full-time employment as compared to 22% of mothers of a non-disabled child. 84% of mothers of disabled children do not work, as compared to 39% of mothers with a non-disabled child. It costs, on average, three times as much to raise a child with a complex impairment than a non-disabled child. Over a quarter of parents with a disabled child are lone parents."

Treehouse agrees with the Committee's report, particularly those aspects pertaining to disabled children. In addition, it recommends improvements to support services, more inclusive schooling, greater flexibility in the workplace, and better access to services to ensure traditionally deprived and hard-to-reach groups are well-informed about them and that they are able to access them.

The main representations we had were from the Child Poverty Action Group. It said:

> "it is essential that the Government invests a further £3billion in child tax credit and child benefit to meet the 2010 target...This is affordable and the cost of not meeting the target will be far greater in the long term."

The CPAG also drew attention to schools and the school costs referred to by the Chairman in his opening remarks. It said:

> "Though CPAG accepts there are legal limits around what schools can charge for, it is still our experience that the costs of uniforms, trips, requests for contributions, and the costs of meals do cause families hardship, single some children out for bullying and may cause them to miss out on opportunities, both in the school day and within the wider 'extended' school period."

It also said that

> "The Government makes the extraordinary statement that 'it is not aware of evidence showing that the cost of school uniform is a major barrier to poor families' or that 'it is common for schools to provide free school meals in a stigmatising way'. These answers strike us as complacent and blinkered in their approach to educational exclusion."

The CPAG goes on to refer to the report of the schools costs coalition and the citizens advice bureau, "Adding Up", which includes a survey that found that one in five parents of primary school children and 50 per cent. of parents of secondary school children reported spending

[Harry Cohen]

more than £200 a year on uniform and PE kit. The same report points out that in 2007, 57 per cent. of English and Welsh authorities did not provide uniform grants. School costs do have a kick-in effect on the poorest and their families. Indeed, the campaign that the CPAG is running is called "2 skint 4 school".

Kerry McCarthy (Bristol, East) (Lab): My hon. Friend referred to the stigma attached to having free school meals. I am very much aware of that problem. The other day, I visited a school in my constituency that is one of the brand new schools built under the Building Schools for the Future programme. Children at the school are given smartcards—a bit like Oyster cards—that they can charge up with cash. The cards mean that children are not aware of whether somebody is having free school meals and has been given a card that has already had money put on it, or whether they have added the money themselves. There is therefore no way of telling whether someone is on free school meals when they pay. Is that something that has come to the Committee's attention and does it think that should be adopted more widely?

Harry Cohen: I am grateful to my hon. Friend for mentioning that example. The Government should be pressing schools to adopt such ideas, and they should have been doing so a while ago. The Government cannot say that there is no stigma to free school meals when the CPAG has pointed out that some schools run separate queues. If such techniques are available, the Government should accept that they have a role to play in dealing with that problem.

The CPAG also talked about the Government's response in relation to Gypsy and Traveller families. The Government argue that Gypsy and Traveller families are a small group and that Office for National Statistics definitions do not allow separate measurement for that group. That answer is weak. Even if population surveys do not provide the evidence, the DWP could conduct specific research among that group to explore child outcomes. The group is known to face high levels of poverty and barriers to using services, therefore such research must be a priority. The Government should not be so complacent. It is a relatively small group, but a little action could have a major positive affect on those involved. Will the Minister look at that matter again?

On large families, the CPAG and other organisations have long argued for the second and subsequent child on child benefit to be on the same rate as the first child. Although that was not accepted by the Committee, I certainly support that measure as it would have an impact on child poverty and is a simple way of dealing with child poverty in large families.

Job retention is important in relation to in-work benefit—not just because people are better off in work and are out of child poverty when they are working, but because it means that people can stay in a job, particularly lone parents. The Government need to put more emphasis on in-work benefits to assist with job retention.

As I said, a review was announced in the last Budget on housing benefit. Will the Minister give more details of the scope and progress of the review—not in this debate, but at some point soon? As far as I am aware, those details have not yet been placed in the public domain. Will the Minister ensure that the review has a specific mandate to consider reform of housing benefit for the best impact on child poverty?

On benefits uprating generally, the Joseph Rowntree Foundation recently published a report stating that the gap is widening for those who have to rely on benefit because benefits are not properly inflation-proof. The CPAG says that

"the lack of budget standards analysis to inform benefit rates or of a consistent approach to ensure rates keep track with changing social norms is indefensible if the safety net is intended to meet basic need and prevent poverty. The year on year degradation of benefits relative to typical wealth is part of the UK's damaging culture of inequality that must be ended."

Again, I agree. The Select Committee argued that there was a case for targeted increases in benefits, particularly in the area of disability, to which I have referred.

Poverty is, as we have said, damaging, but prices are going up for food, fuel and energy and that must be taken into account in meeting the child poverty targets. That means that the Government have to put their foot back on the accelerator and do more than they have been planning to do. I do not want to go through in detail the debacle of the abolition of the 10p tax rate; we all know what happened. I understand that it affected 5.3 million people. I am told that the Government's uprating of the tax allowance benefited some 17 million people net. Some of those—not all—will be dealing with child poverty. My concern is that that measure is for one year only—it is not recurrent—so come this time next year, those people, particularly the poorer groupings, will be plunged back into crisis. I want to use the opportunity offered by this debate to urge the Government to think again on that issue, particularly for the lower-paid, painful though that may be.

Then there is the credit crunch and the risk of recession. There is the issue of stagflation as well. That could have impacts on the employment market. I am not saying that that would necessarily mean higher unemployment. The Government have done very well to buck trends and keep unemployment coming down, but there could be an impact. If that happens, the policy of pushing people into employment and getting children out of poverty will need to be rethought. If the credit crunch had such an impact, there might be areas, such as London, where that would need to be mitigated.

I reiterate that there is a need for higher in-work pay and benefits. The American model of being in work and in poverty is unacceptable. The Government should make it a priority to ensure that that does not happen in this country. There need to be in-work benefits. Also important are the London living wage, a higher minimum wage and closing the gender pay gap. Those are my main points. I reiterate the case that I made in the Select Committee that tax-and-spend measures are a major issue. The Government should submit a report to Parliament on their impact on child poverty. That in itself would have a good effect.

3.53 pm

Kerry McCarthy (Bristol, East) (Lab): I start by congratulating the Select Committee on producing the report. Although child poverty may be fairly easy to describe in headline terms, the devil is in the detail, and the report gives a comprehensive overview of the different

factors that have an impact on child poverty and the various measures that need to be taken to tackle it. Quite often, something looks in theory as though it would alleviate a particular family's poverty, and it is only when we get down to the detail and start making those complex calculations that we realise how it works in practice. It is therefore important that the Committee is giving the matter a great deal of scrutiny and responding to it in such detail.

Such a timely report can help to keep child poverty on the political agenda. We are in a slightly strange situation now. Hon. Members have referred to the disappointing figures that were released recently, but they are now quite significantly out of date. As the Child Poverty Action Group and others have said, we already have measures in place from the 2008 Budget, and some from the 2007 Budget as well, that will help to lift another 500,000 children out of poverty. We should not lose sight of the fact that certain measures have not yet come into effect, but are still moving the Government's trajectory towards meeting the target in the right direction.

I shall focus on one small aspect of the report, because the three Committee members who have spoken have already talked in detail about things such as child care, the take-up of benefits, and "better off in work" calculations. I shall explore the broader issue of how we make the political case for tackling child poverty. That is increasingly important now. Perhaps the public's attitude was more sympathetic when people generally felt quite well off, but when they start to feel the pinch in their own pockets as food and fuel prices rise and they feel that things are not quite as rosy as they were, it is even more difficult to make the case for redistribution from the better-off to the people who need it the most.

I was struck by the reference in the report to evidence that the public tend not to believe that poverty really exists in the UK. That was mentioned a lot when, with the Chairman of the Select Committee, my hon. Friend the Member for Bradford, North (Mr. Rooney), and other Members of Parliament, I took part in a discussion yesterday with people from the Joseph Rowntree Foundation and others. Now, people tend to think of poverty as something that is seen in Darfur—people living on the brink of starvation in desperate circumstances. They quite easily dismiss claims about poverty in the UK with comments such as, "Oh, you can't afford a new pair of trainers." They think that that is all it is. The case needs to be made.

I was struck by this statement in the report:

> "Long-term economic stability in the UK means the public tend to feel there is no excuse for poverty; it is the result of bad choices and wrong priorities, and therefore not a subject for public help."

The report also states:

> "The public believe that social relations within society are breaking down due to antisocial behaviour; the real problem is seen as 'emotional poverty', not lack of physical or concrete resources."

The Committee cites research from 2007 by the Joseph Rowntree Foundation and Ipsos MORI to back that up. It is a telling point. To an extent, such attitudes are nothing new. In the past, distinctions have been drawn between the so-called deserving and undeserving poor. The media and certain politicians have focused on attacks on feckless single mothers, workshy scroungers, or benefit fraudsters—often straying into racist territory. We are all familiar with stories—grossly distorted—about immigrants and asylum seekers coming to Britain to take advantage of our generous benefits system.

I do not deny that some people out there play the system. They are in it for what they can get and they do not feel that they have any reciprocal responsibility to society. We know that some people do not want to work. We see that in our constituencies and in the press. However, for every person I see at my surgeries, hear about from other constituents or read about in the local press who might fall into that category, I come across many, many more who are desperate to get themselves out of the situation in which they find themselves. They know how soul destroying, demeaning and exhausting poverty can be and they do not want that for their children. There is an intergenerational cycle whereby children who are brought up in poverty tend to go on to be poor themselves—poverty is passed on from generation to generation. Although some people do not have aspirations for themselves, many more are quite willing to move into work; they just need help and support to do that and the Government policies that can point them in the right direction.

As I said, the research on public attitudes revealed that people believe that poverty is the result of people making the wrong choices and having the wrong attitudes and the wrong priorities—that the problem is emotional poverty. There has been a recent public focus on what, rather than the undeserving poor, could be termed the dysfunctional poor. The focus is not so much on people as economic participants but on people's behaviour. To some extent, the media these days are almost celebrating dysfunctionality in families. I do not want to give yet more publicity to certain television shows, but Members probably know the sort that I mean—the sort of show, for instance, in which someone having a DNA test live on television is thought to be a good way of announcing to the world who a child's parent is. There is something seriously wrong with that.

We see that attitude also in relation to certain celebrities. One young woman, who obviously has serious mental health and drug problems, shares my name. I often walk into the newsagents and see headlines saying "Kerry on the verge of collapse", "Kerry back in rehab", "Kerry's drugs hell", "Kerry not fit to be a mother" and so on. That is presented as entertainment, but for celebrities income is not a problem. At a lower level in the media, however, dysfunctional families are paraded as if they were entertainment.

That may be partly because, as has been said, there has not been so much of a focus lately on economic issues. If people feel relatively well off, they will not be so concerned that their money is being used to support those unemployed people who want to be unemployed. However, there is now more of a pejorative element—it is more a moral judgment about people's other choices, rather than specifically about work.

That element is linked in part to the fact that, for laudable reasons, the Government have focused on antisocial behaviour and their Respect agenda. That is entirely laudable and something that should certainly be pursued, but it has moved the debate on a little. Instead of it being about people who live in poverty and deprivation in difficult circumstances, it is now seen as being about families who have drug and drink problems, who may suffer domestic violence, or who are involved in criminal

[Kerry McCarthy]

activity or prostitution. That is what people think of when the subject of poor families is raised. The focus is important.

The Government's Families at Risk review is concentrating on those families that have multiple disadvantages, and that is to be welcomed. However, focusing only on those families, and seeing poverty just as something associated with that sort of dysfunction, does a grave disservice to those who are on relatively modest incomes and lead relatively modest lives but who are struggling to keep above the breadline.

We know that 50 per cent. of children who live in poverty have one or more parents in work and that they have relatively normal lifestyles. It is about making work pay, being able to afford transport, being able to meet those unexpected costs, such as when the fridge stops working, or when the car that one needs to get to work breaks down. Rises in the price of fuel and food will have a disproportionate impact on the poor.

I shall not go back into the detail of what has already been said. I think that the Government are on the right lines with the packages that they are trying to deliver to people to make them better off in work. I am more concerned about what could be the subjective judgment on whether a person is better off in work. We have heard that the calculations are complex. However, we need to deal with the sort of situation described by my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), of someone having to prove that child care is not available.

I am thinking of a particular scenario. In Bristol, public transport is pretty appalling. Someone who has a part-time job, perhaps in the new retail development that is soon to open in Bristol city centre, will have to fit that job around getting one child to a child minder and getting the other child to school and then getting the bus into work, and after work having to be at the school gates in time to pick up one kid and then go to the child minder to pick up the other one. If the buses are persistently late or do not turn up at all, that element can throw the whole arrangement out. On paper, the authorities can say, "We've done the sums. You can afford the child care with the help of child care tax credits. You can afford the bus fares and this and that." But if the bus does not turn up and the bus company does not admit that the buses are running late, which happens, the whole thing goes out of the window.

We have heard figures on how many lone parents work—I believe that it is about 30 per cent.—but I wonder how many of them are in longer-term jobs. The lone parents whom I know tend to work for three months or six months, but find it too much of a struggle and go back on benefit; a few months later, they are struggling on benefits, and they decide to try another option. They have a succession of low-paid, casual and temporary jobs, and it is difficult for them to sustain the kind of job that would lead to a career or to them acquiring more skills.

Tom Levitt: My hon. Friend may like to know that when the Committee visited Cardiff to see Jobcentre Plus working with lone parents, great emphasis was placed on the advisers remaining as advisers to the lone parents once they had gone into work. They were advising them for several months. That proved to be a much better way of avoiding the revolving door problem. I am sure that my hon. Friend would agree that if every jobcentre did that, and did it to that extent, employment would be much more sustainable.

Kerry McCarthy: I thank my hon. Friend for that intervention. Ongoing advice is important, especially on things like managing debt and benefits.

The subject has been touched upon, but there are also problems with the administration of housing benefit and tax credits. As constituency MPs, we all know of people who have been billed the wrong amount for electricity, or who have similar problems. Having someone available to give guidance is important, because small things like that can mean that being in work is not sustainable. It might not even be the financial impact; the stress caused by trying to juggle and deal with the various agencies may be another factor.

It is generally accepted that all political parties are signed up to the agenda. I hope that we will hear from the Liberal Democrat and Conservative spokesmen not only what they believe the Government should be doing but what their parties will do. In particular, I would be pleased to hear from the Conservative spokesman what his party means by an "aspiration" to abolish child poverty and how that differs from a target or commitment.

The Opposition have been wary of state intervention to tackle poverty—measures such as tax credits, the minimum wage and the other tools that we use to fulfil our aspiration of meeting the 2010 and 2020 targets. If the Conservative party believes in state intervention, I would be interested to hear what form it will take. The party leader, the right hon. Member for Witney (Mr. Cameron), has said that the Conservatives will be judged on how they tackle poverty, but many voters would like to make that judgment before the next election rather than having to wait until afterwards before getting a glimpse of the party's policies.

At the moment, all that we have to rely upon is one stark statistic, which has already been quoted. It is that between the late 1970s and the mid-1990s, the proportion of children living in households on less than 60 per cent. of the median income more than doubled. As some hon. Members have said, it is disappointing that the Government have so far managed to lift only 600,000 children out of poverty, but I have been told by the various organisations involved in the End Child Poverty coalition that if the Government had not introduced the measures that they have, another 1.7 million children would be living in poverty. The number would not have remained static; even more children would be affected. I look forward to hearing from the Liberal Democrat and Conservative spokespeople, and the Minister, how we can achieve our targets.

Ann Winterton (in the Chair): I call Andrew Selous. No, I am so sorry. I call Annette Brooke.

4.8 pm

Annette Brooke (Mid-Dorset and North Poole) (LD): Thank you, Lady Winterton. I welcome this first opportunity to serve under your chairmanship.

I congratulate the Work and Pensions Committee on its extensive report, "The Best Start in Life?", and the Committee Chairman, the hon. Member for Bradford,

North (Mr. Rooney), on presenting the report to the House today. I may not be quite so enthusiastic about the Government's written response, and I hope for a better verbal response today.

We have heard some interesting and wide-ranging speeches. I may pick up on a few of the points that were raised. As we rapidly approach the deadline for the target of halving child poverty by 2010, it is helpful to note that progress has been made, with 600,000 fewer children in poverty when the report was published. I congratulate the Government on that progress. I well remember how much child poverty grew in the 1980s. I do not need to look at the statistics. That time is embedded in my memory.

More recently, however, we have seen the publication of the latest figures, which show that the number of children living in poverty has increased by 100,000. That rise, which has occurred for the second year running, is cause for serious concern, and it makes our debate particularly pertinent, given the Government's response. This is not a time to be complacent or proud simply of setting targets and having aspirations. For the sake of our children and future generations, we must make better progress.

The latest figures represent a setback to the Government's achieving the 2010 target, and although the recent Budget changes will make some difference, there is a consensus that much more action is needed, especially if both the 2010 target and the longer-term goal of eradicating child poverty by 2020 are to be achieved. In addition, it has always been known that although some families need only a small change in circumstances to take them out of poverty, the more marginalised families who live in persistent poverty will be much harder to reach.

It is important to make the position clear both before and after housing costs are taken into account. I agree with the Committee that after-housing-cost data better reflect standards of living, especially in areas of high housing costs. Changes to benefits and tax credits for families with children have helped to lift a substantial number of children above the poverty line. However, it is a great irony that the policy of tax credits and the complexity of the system have plunged some families into poverty. Families have been overpaid and the money subsequently clawed back, sometimes in a very unsympathetic manner. There are also complexities in the child care element of the working tax credit. The guide alone is 23 pages long. We need reform and simplification of such things. The Committee rightly draws attention to the low take-up and the problems that are recounted by many of the poorest families.

The expansion of child care provision and other policies aimed at reducing the number of out-of-work families have undoubtedly had a positive impact on reducing child poverty. The Committee rightly flagged up the difficult balance between the provision of quality child care and affordable child care, and the availability of child care for working parents during school holidays and for parents who work long hours or part-time.

I was concerned to read in a recent report on research by the National Centre for Social Research that

"in terms of older children, only 17 per cent. of parents are using...after school clubs. This figure has not changed since 2004".

When I have tried to obtain information on the provision of extended schools by parliamentary question, I have been told that the information is not collected centrally. Similarly, it is difficult to get a clear picture of how much holiday provision is available. That ties in with the duty under the Childcare Act 2006 to provide sufficient child care. I remain concerned about the extent and cost of that much needed provision, particularly in deprived areas. With the change in policy that requires lone parents with older children to register for work, the extended schools programme is important, as are the problems of affordability and parents applying for the tax credits for which they are eligible.

The Government have made considerable investment in Sure Start, but the latest evaluations continue to show that the most disadvantaged are not being reached. I therefore agree entirely with the Committee's recommendation on reaching out into the community and the assessment of the impact of investment on poverty eradication.

The involvement of Jobcentre Plus is vital, but we should ensure that workless families receive more support for child care, because that would be a way of providing extra early-years provision to the most needy children, thereby breaking into the cycle of deprivation. It could also enable parents to take a step towards accessing training. I well remember hearing a story of a woman who, aged 40, I think, received the first certificate of her life. The certificate was for completing a swimming course. That lady was enthusiastic to go on and take more courses. Training that does not qualify for child care provision might be the first step on the training ladder.

Quality child care needs qualified staff—of that I am absolutely convinced. We have a problem in this country with our early-years provision. We have taken enormous steps since 1997, but we started at a terribly low level. We have incredibly low-paid workers in child care and low qualification levels, and all the evidence shows that poor-quality child care can be damaging, particularly for deprived children. The challenge is enormous, as is the mismatch of the provision of places, which the Committee brought to our attention. We must have sufficient good-quality places available where they are actually needed, and we must not waste money on providing places where it appears that they are not needed, give or take some surplus places, which will happen because there is a market.

The Committee accepted the case for greater conditionality on lone parents to seek work, but I agree that sanctions should never apply when there is a proven lack of affordable and suitable child care—however that can be proved—or when the lone parent is engaged in work-related education or training. I am especially worried about pressures on the parents of disabled children, for whom appropriate child care is so hard to find and likely to be expensive. Many partnerships break up because of the demands of looking after a disabled child, and we need to consider carefully making a lone parent work in such circumstances. More than a quarter of parents with a disabled child are lone parents. Currently, 84 per cent. of mothers of disabled children do not work. Against that, it costs on average three times as much to raise a child with a complex impairment than a non-disabled child.

The Government are consulting on extending the right to request flexible working. I wish that that process had started much earlier, so that there was a prospect of

[Annette Brooke]

the measure lining up with the timing of the new requirements on people to seek work once their children reach certain ages. Half the children living in poverty come from households in which at least one parent is in work. Clearly, we need to make progress toward better paid and sustainable work. Several Members this afternoon have described so well the in-and-out-of-work pattern that is so disruptive to family life. Obviously, we need to encourage education, training and mentoring, as well as to make work pay and beneficial for lower-income families. We need to look at the costs of entering the labour market and ensure that people are supported.

Several Members asked, "Is it worth people going back to work?" The Committee concluded that the complexity of calculating the value of lost passported benefits makes it difficult for people to know whether they are better off in work. It recommended that the Government increase the earnings disregard for out-of-work benefits to improve the incentives for people to work in mini-jobs. I agree strongly with both points and I am sad that the Government are so dismissive of them. Mini-jobs are means by which a person can get on the first step to full-time employment. We must accept that when people or members of their family have not worked for a long time, it takes more than one simple step to get back into the labour market.

Families with disabled children remain disproportionately likely to be in poverty. The risk of poverty is increasing faster for families with disabled children than for any other group. Families with disabled children are 50 per cent. more likely to be in debt and 50 per cent. less likely to be able to afford holidays, new clothes, school outings or treats for their children than other families.

I should like to mention a letter that I received from a constituent and to make a plea to the Minister—this is slightly off-topic but it is relevant to the debate. My constituent, who has a severely disabled child and has received great support for the adaptation of her house, applied to the family fund for financial assistance and was surprised to learn that the income threshold for getting help in England is £23,000 per annum, which does not take into account housing costs or the number of children in the family. She is in a position to get absolutely nothing, as the family's income has just increased.

I represent a constituency in Dorset, where housing costs are very high in relation to wages. That is well known. Purbeck, for example, has the sixth highest ratio in the country in that respect. It is a problem. My constituent asks whether there is any hope that the Government will respond to a request to increase funding from the family fund, as it would help some of the most deserving, such as families with disabled children. It makes a big difference to such families just to have the possibility of a few days' holiday, or whatever the request for assistance involves.

The Select Committee recommends a review of disability allowance, measures to improve the take-up of that allowance and the extension of the winter fuel allowance to families with disabled children under five. I was sad that the Government agreed only with the second recommendation, because the winter fuel allowance will become more and more important, given the rise in fuel prices that so many Members have mentioned.

Other groups besides families with disabled children are more likely to suffer from poverty: large families, black and ethnic minority children, Traveller children, children leaving care and asylum seekers. Children in those groups are the most socially excluded and are faced with inequality and poor social mobility. If we are to reduce child poverty permanently, we must solve those problems. We can talk about the extra spending needed, but the reduction must be sustainable. That entails breaking the vicious cycle of deprivation and inequality that makes children who grow up in poor families far more likely to be poor themselves. Britain consistently performs poorly in OECD studies of social mobility, and the UK came bottom in most measures in last year's UNICEF report.

The strong relationship between family income and educational attainment indicates the desperate need to form policies aimed at tackling inequality across society. That involves targeting funding at the poorest and most disadvantaged sections of society in order to improve opportunities for all. One Liberal Democrat policy that I might mention is the pupil premium, which would attach additional funding directly to pupils identified as disadvantaged. The idea is for the funding to follow the pupil to whatever school the pupil attends. I was challenged to mention a few policies.

Mr. Rooney: Don't worry about it.

Annette Brooke: I can assure the hon. Gentleman that there are plenty of them. The Liberal Democrats are proud to have signed up to the child poverty targets. That is not a vacuous promise.

I felt that the Government were dismissive of the costs of going to school. It is true that there are ways around some of the problems mentioned, but uniforms are another problem. I know that the Government have considered whether some schools use specific uniforms as a method of selection. I have a large comprehensive school in my constituency. I do not think for a moment that it uses the uniform as a way of interfering with admissions, but its PE polo shirt has a logo, which effectively prevents parents from going to supermarkets, some of which, I am told, produce polo shirts very cheaply. Such matters become real barriers. There is a stigma. I taught for a long time at an independent school where no stigma attached to girls with second-hand uniforms; it was a matter of course. However, it does not work like that for someone who is very poor. It is not right. It does not give self-esteem to have second-hand uniforms.

It is well documented in the 2007 UNICEF report that the Scandinavian countries, in contrast with the UK, scored highly on all measures, including those dealing with child poverty. What can we learn from those countries? I know that one hon. Member was not keen on following the Swedish model, but it should be noted that, although Sweden has a high proportion of single parents, a high proportion of them are in work. There must be lessons that we can learn from Sweden about how to avoid disincentives and to make it easier and more beneficial for parents to work. Scandinavian countries are in an enviable position, with high-quality child care, good early-years services, family centres and excellent parental leave. I say to the Government that we have come a long way since 1997, but it is such a huge journey.

John Penrose: Does the hon. Lady accept that although the achievements of Scandinavian countries are tremendously impressive, they start from a different position? They are smaller societies with lower populations, which are much more ethnically and racially homogenous than this country's. They have different issues, and their solutions may not transport across precisely to a country such as Britain.

Annette Brooke: I simply think that they are worth considering. Sweden, for example, does have issues relating to ethnic minorities; perhaps those countries have some of the same problems that we have here.

Poverty affects many aspects of a child's well-being, including health, cognitive development, achievement at school, aspirations, relationships and future employment. We must identify what action can be taken quickly to combat poverty. Equally, we should take up the Select Committee's recommendation that alongside every change to taxes and benefits, the Government should publish a memorandum indicating the expected impact on child poverty. How useful it would have been to have had one last year, when it was announced that the Government were going to get rid of the 10p tax rate. Had they had one, the Government would not be scrambling to untangle the effects on poverty a year later. It is difficult to do so now—even the measures proposed will still leave 1 million people worse off. The same applies to the vehicle excise duty on cars. I am in favour of new cars having proportionately higher VED, depending on their carbon emissions, but the measure adopted is hard on people with seven-year-old cars, for instance, who live in rural areas such as the one I represent. They will be severely affected by it.

Not much has been said about rural poverty. Increased transport and fuel costs will have an impact in rural areas. Affordable housing is an issue for those who live in rural communities, and there are many more. We must work together, as has been suggested; but we must also try to think outside the box and ensure that a foot is on the accelerator the whole time.

Ann Winterton (in the Chair): I call Andrew Selous, having almost given him a heart attack a few minutes ago.

4.28 pm

Andrew Selous (South-West Bedfordshire) (Con): Lady Winterton, I am sure that you would never give me a heart attack, but I thank you for your consideration. It is a pleasure to serve under you this afternoon, and to be back in Westminster Hall debating reports by the Work and Pensions Committee. I was a member of the Committee during the whole of the last Parliament, and I remember many happy Thursday afternoons spent here debating reports, including the report "Child Poverty in the UK", the second report of the 2003-04 Session, to which I shall refer this afternoon.

I congratulate everyone who has spoken. Everyone here comes to the subject with passion, interest, different perspectives and detailed knowledge from their constituencies in different parts of the country. That is valuable, and it has added a lot of colour and local detail to our important debate. I shall add one or two perspectives from my own area of the country.

It is important to put the matter in context. Child poverty, sadly, has risen for the second year in a row: by 200,000 before housing costs and by 300,000 after housing costs. Some 2.9 million children are now in poverty, on a before-housing-cost basis, and 3.9 million on an after-housing-cost basis. Those figures are the same as those in 2002, so regrettably we have not made any progress on that incredibly important issue over the past four years.

The situation is even more worrying than that, however, when we consider the number of children living in severe poverty, which is defined as children living in households with less than 40 per cent. of median income. According to an analysis by the Institute for Fiscal Studies, in March 2007, that figure has increased by 600,000, from 2.5 million to 3.1 million, and a report last year by Save the Children stated that 1.3 million children in the UK are living in severe poverty. Although we want all children out of poverty—taking the 60 per cent. definition—I hope that other Members will join with me in saying that it is urgent that we do the most to help the poorest. I hope that that is common ground for us all.

The Treasury Committee's report on the 2007 comprehensive spending review made the point:

"It is important that efforts to meet targets do not lead to an insufficient concentration upon the worst forms of child poverty in the very poorest households."

That is a comment on the Government's overall approach of trying to deal with child poverty through the tax and benefits system, although that must be integral to our approach—that should answer the question raised by the hon. Member for Bristol, East (Kerry McCarthy). I agree with my hon. Friend the Member for Weston-super-Mare (John Penrose) that we need a more broad-based approach, particularly to the pathways leading to poverty, as my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) said in his report, "Breakthrough Britain".

The Joseph Rowntree Foundation—not linked to the Conservative party in any known way—said that the

"strategy against poverty and social exclusion pursued since the late 1990s is now largely exhausted";

its words, not mine. I shall not refer to the UNICEF report, because the hon. Member for Mid-Dorset and North Poole (Annette Brooke) has already quoted from it quite extensively, other than to say that the UK was voted lowest out of 21 OECD countries for child well-being.

Tom Levitt: I notice that the hon. Gentleman did not refer to the anti-poverty strategy prior to 1997 when there really were gateways into poverty. Will he acknowledge that the UNICEF report, to which I think that he is referring, contained no data for 2004 and after, and that the bulk of the data actually related to the 1990s?

Andrew Selous: What I do know is that the Government have a tendency not to like any report that is not favourable towards them—they do not seem to like the OECD and EUROSTAT figures, nor a range of other critical figures with which they appear to have difficulties. Furthermore, according to the Department's analysis of its own productivity, between 2002 and 2007, published in February of this year, the 2010 targets

"are unlikely to be fully met".

[Andrew Selous]

Both the Joseph Rowntree Foundation and the Department's own research say that. Surely there is a case for changing direction and for a frank reassessment of Government policy. We all want these shared targets to be met, but given that we have gone backwards and failed to make progress over the past four years, there is an argument for looking at the matter more widely.

Paragraph 303 of the Work and Pensions Committee's 2003-04 report, "Child Poverty in the UK", stated:

> "If child poverty really is to be abolished, the Government's anti-poverty programme must reach beyond raising incomes, and address the human dimension of poverty in a holistic way—increasing good parenting, aiding family stability, raising levels of educational attainment and healthcare and thus boosting children's life chances."

Of course the Government have acted in most of those areas, although not all of them, but I am not convinced that they believe that those other areas are integral to achieving our objectives.

On social mobility, I am sure that I am not alone in being appalled by the fact that a boy born poor in 1970 has a 38 per cent. probability of remaining poor as an adult, when in 1958 the figure was 31 per cent. As a Conservative, that offends me deeply. I think that everyone here would want bright children from the lowliest backgrounds to be able to achieve their undoubted potential. The fact that only a quarter of pupils on free school meals gained five good GCSEs, compared with half for the overall population, is also deeply worrying. That shows how entrenched some of these characteristics are and that we need to intervene early.

The hon. Member for Bristol, East challenged me to come out with some of our policies. I think that I can partially reassure her, because we have a number of policies in place—we do not yet have the full suite, not least because at my latest count the Government have taken nine of our principal policies, and we would like to keep one or two in the locker until the general election. The report by my right hon. Friend the Member for Chingford and Woodford Green, "Breakthrough Britain", has been largely acknowledged by independent commentators with no link to the Conservative party as one of the most serious pieces of work on poverty by any political party in recent times.

I shall return to school reform and how we can give children the best possible chances of turning their lives around so that they are not condemned to poverty for their entire lives. I am pleased that following our debate on the use of synthetic phonics in teaching children to read, it became a common cause. We have also proposed creating more than 220,000 good new school places through expanding the academies programme innovatively, and we want to ensure that money will be targeted at the poorest pupils, with more money made available for children from the poorest backgrounds through a pupil premium, so that we get rid of the disgraceful statistic that I just raised: that children on free school meals do half as well in their exams.

There are also human factors at work, however, for which the Government cannot be directly responsible through legislation. When some children, from rich or poor families, go home at the end of day, and walk through the door, they will be grabbed by the parent or carer, fed, sat down and told to get on with their homework. In other homes, a parent might not be available, because they are out, and in others the attitude towards school work will be completely different. That is not an indication, per se, of material advantage. I accept that it is more difficult in poorer homes, because the parents might be working antisocial hours, and other difficulties might be at play. But I could take Members to plenty of poor homes in my constituency where education is really valued and parents ensure that homework is done. We cannot demand that the Government deliver on that, but why is the high value placed on education by some of our immigrant communities not prevalent among the population as a whole? That human factor is critical in dealing with some of the very important issues raised by the Select Committee.

The Committee's report mentioned soft skills and getting people ready and fit for work. What key disciplines does a person require if an employer is to be hungry for their services? I would put reliability and self-discipline pretty high on that list. An employer wants someone who will turn up, do what they are asked to do and be trustworthy. If children who are in difficult family circumstances are not getting those skills, what is the role of institutions? Schools have a huge role to play in developing those attitudes and qualities in children, but so do organisations such as the scouts and cadets, which the Government—all credit to them—are talking about expanding. If children are not getting those skills and disciplines at home, through their family relationships, such organisations can play a key role in achieving the outcomes that the Select Committee is rightly looking for.

The Conservatives are absolutely signed up to the notion of work as the best route for getting children out of poverty. It is not the only route—there is absolutely a role for direct state intervention—but we see work as the primary way of doing that. The Government have stated that that is their intention, but the UK has the highest proportion of workless households in the whole of the European Union, including countries such as Bulgaria and Romania. That statistic is from the 2007 EUROSTAT figures. That is surely an indictment of our country's ability to participate fully in the labour market.

The hon. Member for Bristol, East asked me for some policies. We have come out with innovative welfare reform policies, and the Government are moving in the same direction; indeed, only the Liberal Democrats are not. We think that every claimant who may be able to work should be engaged in full-time activity as part of the back-to-work process. In some cases, that will be through mandatory community work for the long-term unemployed. That might seem callous and unkind, but I argue that it is exactly the opposite. We all know that the longer people are out of the labour market, the less work-ready they are. They are less able to get up early enough to get to work every morning and they lose the ability to get on with the people whom they would have to work alongside.

We want to enable and give much more freedom to private providers, and pay them by results only when they have got people into sustained work. I assure Labour Members that we would structure contracts in such a way that they would not cherry-pick. There must be help for those who are furthest from the labour market as well as those who are easy to approach.

Mr. Rooney: Will the hon. Gentleman give way?

Andrew Selous: I know that the hon. Gentleman disagrees regarding this area, and I am delighted to take an intervention from him.

Mr. Rooney: I do not disagree at all. What the hon. Gentleman has just proposed has already happened, so why does he want to reinvent the wheel? Contracts have already been let and structured in that way.

Andrew Selous: I am pleased to hear that, but my conversations with people such as Debbie Scott from Tomorrow's People lead me to believe that there is further to go. The Government are complacent about the state of the labour market. There are more jobs than ever, but if this country has the highest number of workless households, there is much more to be done in this area if we are to tackle child poverty. We can go further, and we need to consider new methods—not from a particular political philosophy, but based on what will work. Much of what David Freud has said is good. Providers such as Tomorrow's People have been outstanding and their results speak for themselves.

With regard to the labour market, which is key to dealing with these issues, I am informed by the Statistics Commission that, since 1997, between 53 and 81 per cent. of the new jobs created in this country have gone to foreign nationals. In many cases, they have provided vital skills, but there are people of all races, colours and backgrounds in our welfare system—nearly 5 million people on a range of out-of-work benefits. Our first duty is to make sure that such people, of all races and nationalities, are not in the welfare system for years, but come into the labour market.

Using work as a means of reducing child poverty is a primary focus, and I am concerned about the tripartite agreement in the child poverty unit. I understand that the lead Department for child poverty is the Treasury and that the unit is physically located in the Department for Children, Schools and Families, so the Minister is, in a sense, the junior partner of the three Departments, which is a great shame. Responsibility for child poverty should be firmly centred in the DWP, with the Secretary of State for Work and Pensions being accountable for meeting targets. He would certainly need to co-operate with other Departments, as well as the Treasury and DCSF, such as the Department for Communities and Local Government. We have heard about the problems with child care and local authorities, on which I have much sympathy with the comments of the hon. Member for Leyton and Wanstead (Harry Cohen).

I am not alone in worrying about the tripartite agreement. The Treasury Committee said in its report on the 2007 comprehensive spending review that

"we remain to be convinced that the division of departmental responsibilities will not accentuate the possible tension between the 2010-11 target and the final target to eradicate child poverty."

We have heard excellent contributions on whether it pays to go back to work. I shall not repeat what has been said, but I should like to consider the issue from a slightly different perspective—marginal tax rates and the withdrawal of benefit income as people go into work. I think that we all agree that with a progressive form of taxation, the best-off should pay the most tax, but we have a system in which the poorest pay some of the highest rates of tax or have benefit income withdrawn.

Let me give some figures. Income support and jobseeker's allowance are withdrawn at 100 per cent., housing benefit and council tax at 85 per cent. and working tax credit at up to about 70 per cent. in many cases. In its "Benefits Simplification" report, the Work and Pensions Committee said that if 41 per cent.

"is the highest tax rate that it is right to expect a high-income earner to pay, how much worse it is that the government effectively charges low income earners more than twice that rate."

I agree. I also agree with earlier remarks on this issue.

The Minister for Employment and Welfare Reform (Mr. Stephen Timms): I am listening to the hon. Gentleman's comments with interest. What would his policy response be and how would he reduce those withdrawal rates?

Andrew Selous: I freely admit that it is not easy, but the Minister has all the clever people behind him and the very bright civil servants, a number of whom are in the Chamber, who are able to do that. In broad terms, we need to consider having a more gradual taper so that there is not such a dramatic cut-off. We have heard examples from Labour Members about people who are worse off. The Chairman of the Select Committee said that some people are £30, £40 or £50 worse off, in spite of the "better off in work" calculations telling them that they will be £25 better off. That particular case was probably because of the loss of passported benefits. If the benefit system were analysed in detail—I accept that that is serious work and is not something that the Department could do overnight—I think that that would be found to be a serious issue and a major barrier to getting people back into work. I commend to the Minister and his officials the need to consider that area.

The benefit system in this country, as opposed to most other OECD countries, to a marked degree treats couples much less favourably than single people. The Government's equivalisation tables say that a childless couple need about 75 per cent. of the combined incomes of two single people, as single people and single parents need to receive more, and a couple should not need twice as much. The Government say that a couple with two children need about 80 per cent. of the combined income of a lone parent and a single person.

However, when one analyses the benefit system in rather greater detail, one finds that workless couples receive only about 60 per cent. of the benefits received by two workless single people. There is a range of countries that have a different benefit system and do not discriminate against couples in the way that our benefit system does: Canada, Iceland, Germany, Luxembourg, Norway, Ireland, France, Belgium, Spain, Finland, Austria, Sweden, the Netherlands and Switzerland, to name just a few.

Mr. Rooney: Very briefly, the rates that we have today were set in 1988 under the Social Security Act 1986 and uprated by inflation. The opportunity was there in 1988 to do things differently. At that time, it was not thought right to do things differently, and it was not thought right to do things differently at any time up until 1997, so why the change now?

Andrew Selous: I am certainly not the sort of Conservative who defends everything that my party has done in the past. I say quite frankly to the hon. Gentleman that I do

[Andrew Selous]

not think that the rates were right then and I do not think that they are right now; just because it is wrong now does not mean to say that it was right under a Conservative Government.

John Penrose: I am sure that my hon. Friend remembers that the level of single-parent family formation back in 1988 was dramatically lower than it is now, and therefore the problem is getting much worse in modern times.

Andrew Selous: My hon. Friend is absolutely right. Let me just remind the Committee that children of separated parents are twice as likely to be in poverty as those of parents who remain together. Therefore, when I raise the issue in this debate, it is for no other purpose than wanting to reduce child poverty. As I say, the fact is that if someone is the child of separated parents, they are twice as likely to be poor than if they are fortunate enough to have parents who have stuck together.

It is interesting that, around the world, other Governments of the left seem to get this concept. Australia gets it, with Kevin Rudd's Government maintaining the focus on families that John Howard's Government introduced, with the family relationship centres. In President Clinton's welfare reform Bill, there was an explicit measure to promote marriage and the two-parent family. I also note that only last week Barack Obama, the Democratic candidate for the US presidency, was talking about the fact that in America,

"children without a father are five times more likely to live in poverty and...nine times more likely to drop out of schools".

So I say to the Minister that I would love this issue not to be an area of difference between us. I can enjoy the situation politically, because I happen to think that the Government's policy is lousy and in a debate we can probably knock spots off it. However, I say to him that I genuinely do not want to go down that route. I would love it if he were to join those on the left and centre-left in Australia and America who realise the importance of family issues and the importance of strong, stable, committed families in reducing child poverty.

Again, it is not just me who is saying this. Let me quote a report from the Joseph Rowntree Foundation, entitled "What are today's social evils?" The report does not just reflect the foundation's views, but those of the people interviewed in its research. At the top of their list—this is not my preference as a Conservative that I am putting forward—was:

"The decline of the family: family breakdown and poor parenting were felt to cause many other social problems and leave young people particularly vulnerable."

The hon. Member for Bristol, East did the debate this afternoon a service by raising this issue. I say to her that it is definitely not an either/or situation. Reducing child poverty is not just about providing the money to help people to get out of poverty, or promoting these softer emotional commitment and family issues; it is a both/and situation, where both factors matter. I will accept that poverty leads to couples splitting up, when money is scarce, but I think that it works the other way round as well, in that, in any given set of circumstances, a more stable and committed family relationship helps children to stay out of poverty. As I say, that is reflected in the data; children whose parents separate are twice as likely to be poor.

Again, we have some proposals to improve matters within the working tax credit system. We will increase that credit by £38 a week, to try to do away with this couples penalty. That measure will help 1.8 million of the poorest couples with children, so there will be some big gainers from that.

In the family area, we have also said that we will increase the health visitor service. Under our proposals, the very youngest children will receive six hours of home support in the first two weeks; a visit every two weeks in the first six months; monthly visits in the next six months, and two visits a year between the ages of one and five. It is critical to do that work at those very early stages.

I would just like to raise briefly with the Minister the issue of people in poverty with mortgages as opposed to living in local authority housing. There are 2.56 million families with mortgages living in underlying poverty, as opposed to 2.75 million families in local authority housing living in underlying poverty. When I was on the Select Committee, various people who gave evidence were concerned about the former group: those with mortgages. I may have missed any reference to them in the current report—I do not know whether there is any reference to them—but it is an issue that should not be off the radar screen. There is a very significant issue with this group of people, too.

Regarding the debt that people get into, the issue of affordable credit is incredibly important for families that are existing on low income, for the reasons that the hon. Member for Bristol, East quite properly gave. Someone's fridge can stop working, or the classic example is that someone's boiler stops working in winter; if they do not have insurance, that situation can send many families totally over the edge.

Again, there is a major piece of work to be done on the area of affordable credit. I will not be specific or prescriptive now. However, I am not convinced that the social fund works nearly as effectively as it could or should. There are opportunities, perhaps through working with private finance, to expand greatly what the social fund does, perhaps in collaboration, or separately, or in addition to the work of credit unions and friendly societies. Financial literacy is also something that we need to look at, given that there is evidence that people are wasting up to £700 a year by taking poor financial decisions.

Can I please encourage the Minister to do more on the issue of pre-payment meters? We had a recent pledge on this matter, but it really is scandalous that the poorest are paying most for their fuel. I raised this issue in the House on 23 March 2006; I was told then that nothing could be done. The current Secretary of State for Environment, Food and Rural Affairs called for action on this issue in 2000, when he was a Back Bencher, and he has been in the Cabinet since 2003. This issue has been around for a long time; many people from all parts of the House have raised it, and with fuel prices as high as they are and possibly going up by another 40 per cent. next winter, as we have heard yesterday and today in the news, something needs to be done urgently.

I was particularly shocked to see in paragraphs 381 and 382 of the Committee's report that

"up to £9.4 billion are not being claimed in means tested benefits by those who are entitled to them."

The report goes on to say that

"up to £4.5 billion of Working Tax Credit and Child Tax Credit"

is also not claimed. As the report says, that is nearly £14 billion of unclaimed income. We have heard this afternoon calls for £3 billion to be spent and yet if everyone had claimed what they are entitled to, the Minister would be writing a cheque for £14 billion. Perhaps there is something that I do not fully understand about those figures and perhaps the Minister will explain them clearly to the Committee and me when he comes to reply, but that issue of unclaimed benefits definitely jumped out at me when I read the report.

We have had good contributions to the debate on the issue of disabled families. I will only add to those contributions by saying that improvements in the take-up of disability living allowance are particularly vital to improving matters.

The differentiation between different ethnic groups in terms of poverty is another issue that absolutely screams out at me, and I am pleased to say that it was addressed in the report.

I will just return to the point about pockets of deprivation, which was raised earlier. At Marsh Farm in Luton, millions and millions of pounds have been poured in through the new deal for communities programme, and yet my constituency has streets and areas that are just as poor, and that are only a mile or two away, but are not eligible for those sorts of budgets. There is a real issue of fairness here; if someone is poor, they cannot pay their bills and life is really tough. Just because they are in an area that is slightly wealthier, why should they miss out on this massive amount of regeneration funding that is going into some areas but not others?

My final point is that I completely agree with the hon. Member for Mid-Dorset and North Poole on the issue of vehicle excise duty. It is another Labour proposal that will hit the poorest hardest; it will be the 10p tax rate on wheels and I urge the Minister to take action on that issue too.

4.59 pm

The Minister for Employment and Welfare Reform (Mr. Stephen Timms): I begin by welcoming the report, which has given us the opportunity to have this useful and interesting debate. I congratulate the Chairman, my hon. Friend the Member for Bradford, North (Mr. Rooney), and I thank the Select Committee for its work and for the attention that it rightly focused on this important subject.

I am sorry that one or two Members suggested that they thought the Government's response was somewhat complacent. I assure the Committee and the House that that certainly was not intended, and that there is absolutely no sense of complacency on my part or on the part of any of my colleagues about the scale of the challenge that we face and the importance of achieving the targets that we have set. Those targets have been agreed across the House this afternoon.

It is time to see the back of child poverty. It has no place in a prosperous modern society. We need every child to grow up enjoying experiences and opportunities that will enable them to fulfil their potential later in life. Organisations such as the Child Poverty Action Group, which was referred to, warmly welcomed our substantial commitment to tackling child poverty. A financial commitment of £1 billion or so was made recently. I thought it a little unfair, after that big commitment, which was widely welcomed, to complain that there were no further announcements in the Government's response, but that is by the bye. It is clear from the scale of the commitment that we made recently, at a time of substantial fiscal pressure, just how firmly committed the Government are to achieving their targets.

I say to the hon. Member for South-West Bedfordshire (Andrew Selous) that I certainly do not regret the fact that the Treasury has the lead on this matter. I have no doubt at all that that is part of the reason why in the Budget we were able to go so far in the direction that people have been calling for in this debate. That underlines the Government's commitment, and that is where the matter sits.

Harry Cohen: Does the Minister think that the Government will meet the 2010 target?

Mr. Timms: We are committed to achieving the target. If hon. Members look at the numbers, we have reduced child poverty by 600,000 so far—

Andrew Selous: Will the Minister give way?

Mr. Timms: Let me answer the question first, if I may. We have made announcements that we hope and expect will lift an estimated 500,000 above the poverty line—slightly less than the figure that my hon. Friend gave. Of course, there may be a drift upwards over the next couple of years because of other things that are happening, but it is clear from that and from the progress that we have made in recent announcements that we are within reach of the 2010 target. We are determined to achieve it.

Andrew Selous: I just want to check this. The Minister said he had reduced poverty by 600,000. Is it not now 500,000, given the 100,000 increase?

Mr. Timms: I am grateful to the hon. Gentleman for raising that point, and I entirely understand why he did so. I have some sympathy with the question, but the statisticians tell us that the number is still 600,000. The reason is that the figures can be estimated only to the nearest 100,000; therefore, to the nearest 100,000, the reduction in child poverty is now 600,000, as it was last year. In that sense, we have not gone backwards. I am not a statistician, or at least I have not been one for a long time, so I shall not go further and explain how rounding works, but that is the statisticians' advice. It is important to point out that although the survey showed a reduction, it was not significant enough to change the figure.

The Committee is right to say that poverty constrains children's health and happiness. That point was firmly and rightly underlined by my hon. Friend the Member for Bradford, North. It makes it harder to succeed at school and to gain skills and qualifications to get on in life. Too many children suffer a poverty of expectations and aspirations, and they do not look forward to a bright future in the way that all of us would wish every child to be able to do.

[Mr. Timms]

Tackling child poverty is a moral imperative, but it is also an economic necessity. Inequality and disadvantage in communities make them more likely to suffer from crime and antisocial behaviour, and to lack social capital that they can draw on to prosper. That is why, for a strong economy as well as a strong society, the Government made a commitment in 1999 to eradicate child poverty in a generation, and to halve it by 2010.

Last week, as a contrast to gloomy news about the world economy, the monthly employment figures showed that the number of people in work in the UK had hit a new record: 29.55 million, the largest number ever. The number claiming unemployment benefit went up a little as well, but it remained in the low 800,000s. The last time the number claiming unemployment benefit was that low was in 1975.

It is 10 years since the new deal was introduced. What can we say about the progress of reform since then? It is true that the claimant count has been reduced by almost half, but that is only a partial measure of worklessness. A better yardstick is the number claiming all the out of work benefits: incapacity benefit, lone parent benefit, income support for others and jobseeker's allowance. The number has fallen by almost 20 per cent. since 1997, from 5.5 million to 4.45 million on the latest figures, which are for May last year. It is interesting to look at the graph: the fall has been sustained and consistent. That is an important and substantial achievement. We have delivered what we said we would deliver, and moved people from welfare to work.

But it is also clear that there is still more to do. That is important for children, as the experiences of many people whom I meet underline. Last week I was in Paisley, just outside Glasgow, and I visited one of the GP surgeries where Jobcentre Plus pathways to work advisers have been working. It appears that they are extremely effective. I met a lone parent with four children. She had been out of work looking after her children for a long time. She wanted to get back to work but did not think that it would be practical for the reasons that Members fairly raised in this debate: child care, being better off and so on. She did not think that it would be practical with four children. Her GP recommended that she speak to the Jobcentre Plus adviser. Last November, she started part-time work as a traffic warden, and she hopes to join the police force in due course. She told me that when she was unemployed she had zero confidence. She said, "People say they wouldn't believe I was the same person." Her life, and her children's lives, too, are being transformed through work and through the support that she has been given.

To pick up on an important point that came out in the exchange between my hon. Friends the Members for High Peak (Tom Levitt) and for Bristol, East (Kerry McCarthy), that lone parent continues to be in touch with the adviser whom she worked with at the GP surgery, as I saw for myself. She clearly finds that valuable. My hon. Friend the Member for High Peak said that he had seen that happening in Cardiff. Such support for lone parents going into work is now offered nationwide for six months. That is a good example of how we have been improving the system to help people overcome the undoubtedly substantial barriers that they face.

Andrew Selous: I am sure we are all delighted to hear that story, but if the labour market in this country is as robust and strong as the Minister says, why do we have the highest number of workless households in the whole of Europe?

Mr. Timms: We have far fewer than we used to have—there are 400,000 fewer. That is a reflection of the terrible starting point that we had in 1997. The hon. Gentleman was frank enough to say that he did not support everything that the previous Conservative Government had done. As my hon. Friend the Member for Bristol, East said, child poverty more than doubled during that period. I was in the House for the latter part of it, and there used to be a claim that there was no such thing as poverty in the UK. I very much welcome the fact that the Conservative party now recognises that there is a real problem that needs to be addressed. I shall come on in a moment to the policies that need to be put in place to address it.

My hon. Friend made a point about public views on the subject. I agree that we need to communicate to the public the compelling moral and economic case for eradicating child poverty. There is a job still to be done there. Organisations such as the CPAG, the End Child Poverty coalition and others can help us, and I warmly commend their contributions. "Ending child poverty: everybody's business", which was published at the time of the Budget, was a step in the right direction, but we need to do more to get messages across to the public and to persuade people that there are real problems behind the statistics.

My hon. Friend the Member for Bradford, North raised several important points. Let me respond to some of them. He made a point about the charge for music lessons and the difficulties that that has imposed on some children who find themselves excluded from part of the benefit of schooling as a result. We have committed £332 million over the next three years, so that by 2011 all children of primary school age will have had an opportunity to learn a musical instrument. I hope that that will be a significant step towards tackling the particular problem that he mentioned.

There were a couple of contributions about the higher incidence of poverty for disabled children than for children as a whole, and it is true that there is a higher incidence. However let me remind the House of the most recent statistics. The risk of poverty for disabled children in 2006-07 was 24 per cent., compared with a 22 per cent. risk of poverty for non-disabled children, so on the most recent data there is only a 2 per cent. difference between the two groups. Since 1998-99, the risk for disabled children has fallen from 30 per cent. to 24 per cent. There is still an issue that needs to be addressed, but, again, that is an example of our having been able to move in the right direction.

I agree with my hon. Friend about the need for people to understand that housing benefit is an in-work benefit as well; he is right about that. That is one reason why people are sometimes unwilling to take work and why the "better off in work" calculations are so important.

I listened to what hon. Members said about the "better off in work" calculations. The feedback that I have received, including from some of the organisations that have been mentioned, suggests that people mainly think that those calculations should be more readily

available. People find those calculations useful: the woman in Paisley, whom I mentioned, did. Quite a lot of people find those figures to be a revelation and discover, once they get into work, that the calculations are correct. There is certainly no deception here.

I understand the argument for more information being provided on the cost of school meals, transport costs and so on, but it will be clear to anyone listening to the debate that that is the intention. The other criticism was that the information takes too long to get, is complicated and should be available instantly. However, working out bus fares, for example, cannot be done in a couple of minutes. Our approach is right. There is absolutely no deception. We are saying, "This is the basis for the figure that we are presenting to you. It does not include x, y and z. Other factors may need to be taken into account." If we try to include too much information, it will get impossibly complicated and will be less valuable. I have picked up on a big demand for such information to be more widely available.

I mentioned that we have now rolled out advice to lone parents nationally and, in addition to that, have in place an in-work emergency discretion fund to help lone parents with unforeseen financial problems in their first six months in work. That is a significant change, which recognises that the problems will not all necessarily be over on day one of employment: they may continue beyond that time.

My hon. Friends the Members for Leyton and Wanstead (Harry Cohen) and for Bristol, East and the Committee Chair, my hon. Friend the Member for Bradford, North, were dismayed about the comment in the Government's response on the absence of evidence of a concern about stigmatisation for those who receive free school meals. I accept that criticism. The Secretary of State wrote in March to all schools and local authorities, asking them what they can do to encourage families who are eligible for free school meals to take up that entitlement. We have developed a new system to simplify and streamline the way that local authorities check a family's eligibility. I was interested in the example from her constituency that my hon. Friend the Member for Bristol, East gave. I accept that, in that respect, the response should not have said what it did and that, perhaps, the criticism of complacency is justified. I apologise to the House for that comment having been included.

The hon. Member for South-West Bedfordshire talked about the number of jobs taken by non-UK nationals. More recent data have been produced showing that of the 3.2 million increase in the number of jobs since 1997, UK nationals have taken 55 per cent., or 1.8 million jobs, and foreign nationals have taken 1.4 million. He will acknowledge that the foreign nationals who have come to the UK have made a substantial contribution: they have worked hard and contributed to the UK economy. The fact that those people have come has been consistent with our having the lowest number of people claiming unemployment benefit since 1975. Non-UK nationals' contribution has been positive and has not been in contradiction with the aim of raising the number of people in employment in the UK.

I can also give the hon. Gentleman some updated data on the number of children on free school meals getting five or more good GCSEs. He makes a fair point about the gap. Some 35.5 per cent. of children in 2006-07 who were eligible for free school meals achieved five good GCSEs, compared with 62.8 per cent. of other children. The gap between the most disadvantaged schools and the rest narrowed by 19 per cent. between 1999 and 2005. We have a public service agreement target to narrow that gap further. The hon. Gentleman is right to highlight the gap. Again, we have made progress in that area, although there is more that we need to do.

Let me pick up on the hon. Gentleman's point, which I noted carefully, about commonly shared targets on child poverty. I think that I am right in saying that a spokesperson for his party has not previously referred to his party's having a target for eradicating child poverty. I am not sure whether what he said reflects a policy change, but if it does I certainly welcome that and look forward to hearing more details about how the Conservative party plans to deliver it. In a moment I shall make a couple of points about the Conservative party's policy in this area.

Andrew Selous: I should just like to clarify that it was not my intention to change the language that my party has used. If I have misled hon. Members on that point, I apologise. In politics it is better to under-promise than to cause disillusionment later.

Mr. Timms: I am grateful to the hon. Gentleman for that clarification, but disappointed. I thought that perhaps we had made a breakthrough there, but there we go.

The hon. Member for Weston-super-Mare (John Penrose) rightly drew attention to the different ways in which we measure child poverty. First, since 1998, 600,000 children have been lifted out of relative poverty in the UK. I am grateful for the opportunity earlier to clarify that that figure has not changed in the past year. Secondly, we have seen a drop in persistent poverty since 1997 from 17 per cent. to 11 per cent. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) rightly drew particular attention to the importance of persistent poverty as a reflection of hardship. There has been an encouraging drop in that regard. The new material deprivation measure, which we have been recording only since 2004-05, has fallen by 200,000 since 2004-05.

I noted that the Institute for Fiscal Studies has made a number of points about the material deprivation measure. We shall, of course, listen carefully to points that people make. There is a widely held view, which is reflected in the consultation that we have carried out, that in measuring child poverty there should be some measure of living standards and day-to-day experiences as well as of income—not instead of, but as well as—and the material deprivation measure is an attempt to do that.

John Penrose: Before the Minister moves on from that point, will he confirm that his ministerial colleagues were incorrect when they said that the relative measure of poverty, which allows international comparisons, was in some way a flawed mechanism for comparing either pensioner poverty across different countries in Europe or, indeed, any other kind of poverty?

Mr. Timms: I reassure the hon. Gentleman that there is no slackening of our focus on the relative poverty measure, defined as those living in households below 60 per cent. of median income. However, the EUROSTAT

[Mr. Timms]

database changed in 2005 from households with below average income to a general household resources survey, so it is difficult to make valid comparisons in the case to which the hon. Gentleman refers between different European countries. It is important that we should be able to make those comparisons internationally, which is one advantage of the 60 per cent. measure before housing costs in the case of child poverty, because that is the widely accepted definition and allows us to keep close track of how we are getting on compared with other countries.

Tom Levitt: Will my right hon. Friend say something about in-work poverty? The Government are right to say that for most people most of the time work should be the route out of poverty, but for too many people it is not and it is a route into a different sort of poverty. We must tackle in-work poverty as well as out-of-work poverty.

Mr. Timms: I agree. The incidence of poverty as a proportion is much lower in households where someone is in work. Nevertheless, a significant proportion of the overall number of children in poverty live in homes where one parent or another is in work. A variety of measures is needed. We announced recently that we will above-index the child element of the working tax credit over the next couple of years, and that will be a significant help, increasing the return to work for many.

The other area where we must be much more attentive—the Committee was right to draw attention to this—is in doing a better job of integrating employment support with skills support so that when people go to a job centre to look for work, they can get help with basic skills. My hon. Friend the Member for Bradford, North referred to the 16-hour rule, and we are strongly committed to ensuring that the system allows people to undertake courses to address basic skills problems, and for skills health checks to be routine. There has been good progress, but we must improve the opportunities to train and to obtain skills as part of the process. One benefit is that people will be better able to progress when they go into work, to increase their income, and to move out of poverty. The combination of the tax credit system and promoting support for skills will allow us to make more progress. As a result of personal tax and benefit changes since 1997, by October 2008, families with children in the poorest fifth of the population will be on average more than £4,000 a year better off in real terms. Those reforms have been key to our progress.

I want to comment on the interesting point made by the hon. Member for South-West Bedfordshire—Conservative Members often draw attention to it—about severe poverty, and people living in households with incomes of less than 40 per cent. of the median. I want to draw his attention not to the 2007 report of the Institute for Fiscal Studies, which he properly and fairly quoted, but to the 2008 report, which contains an extensive commentary on that point. The position essentially is that the statistics that the hon. Gentleman quoted are not reliable. The 2008 report's executive summary states that

"children in households with less than 40 per cent. of median income—so called severe poverty—are on average less deprived than those in households with between 40 per cent. and 60 per cent. of median income".

It goes on to make the point that

"at the very bottom of the income distribution"—

that is—

"in the first and second percentiles, material deprivation scores are lower"

there is less deprivation—

"than anywhere else in the bottom third of the income distribution".

It continues:

"It seems highly likely that a significant proportion of this group have high living standards, but, for whatever reason, their current recorded income is quite low".

Those points clearly raise some interesting questions for further research into what is going on with that data, but it shows from an unimpeachable source that the Conservative party cannot validly draw the conclusions that they do from that data. I do not want unfairly to criticise Conservative Members, but I caution against trying to redefine the problem. I heard the shadow Secretary of State for Work and Pensions on television recently suggesting that child poverty is not about money.

The hon. Member for South-West Bedfordshire referred to a wide range of issues, including the report "Breakdown Britain". I do not agree with its description of what Britain is like.

Andrew Selous: "Breakthrough Britain".

Mr. Timms: I am sorry. "Breakdown Britain" is a term that I have in this context, but I do not believe that it is an accurate description of what has happened in the UK.

It is dangerous—the hon. Gentleman did not fall prey to that danger, but his party needs to be careful about it—to argue, as the shadow Secretary of State has certainly done, that the problem is not about money. That takes us back to the position of the last Conservative Government, under which child poverty doubled to the highest rate in Europe. We still have some way to go to recover from that, and tackling child poverty requires serious investment of the sort announced in the previous couple of Budgets and the pre-Budget reports. We all need to square up to that. It is fair to raise other issues and concerns about what is happening in families, but that must be in addition to addressing the financial aspects of poverty, not instead of that.

The hon. Gentleman made a point about reducing the marginal rate of benefit withdrawal, and we all understand why that is attractive, but the consequences would be either significantly greater costs and extending access to tax credits much further up the income scale—I thought that the Conservative party opposed that—or scaling the system back and leaving people a great deal worse off. There is not a straightforward solution. I do not know which view the hon. Gentleman favours. Reducing the marginal rate of benefit is attractive in theory, but there are many questions about how that could be done.

Andrew Selous: During the two minutes remaining, will the Minister respond to the issues about family stability and child poverty?

Mr. Timms: Family stability is an important contribution to the well-being of children, so the Government have invested substantially in relationship support over a long period—since 1997. I do not agree with the hon. Gentleman's characterisation of the Government's policy in that area. My point is that we must not use that as a way of ducking out of the big financial challenge in achieving the target that we have all acknowledged this afternoon.

I have talked about the changes that we made in the Budget, and I shall respond to the important point about child care. It was suggested during the debate that the Government's response to the Committee's report implied that having imposed a statutory duty to secure sufficient child care in the Childcare Act 2006, the Government would walk away and do nothing. I assure the House that that is not the case. The duty came into place in April and Departments are considering carefully what local authorities are producing and their sufficiency assessments. They will challenge local authorities to improve those when necessary. We are certainly not proposing to do nothing. There was some concern about that.

I am grateful for the opportunity to take part in this important debate and to make important points—

The sitting having continued for three hours, it was adjourned without Question put.

Adjourned at half past Five o'clock.